SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) Number 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

MONDAY, FEBRUARY 28, 2005

8:30 A.M.

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter 1

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1 Santa Maria, California
2 Monday, February 28, 2005
3 8:30 a.m.
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5 THE COURT: Good morning.
6 THE JURY: (In unison) Good morning.
7 COUNSEL AT COUNSEL TABLE: (In unison)
8 Good morning, Your Honor. Good morning.
9 THE COURT: There's two things we're going to
10 do before we commence with the opening statement.
11 One of them is that I'm going to read the
12 Indictment.
13 Remember, during jury selection, I generally
14 told you what the Indictment contained, and it does
15 contain that. But I want to read it specifically to
16 you because it's a little more detailed than the
17 general description.
18 The second thing I'm going to do is to give
19 you some pre-trial jury instruction. And they're
20 very brief, but they're meant to help you as you
21 start to hear the evidence, and as you hear the
22 opening statements of counsel.
23 What I'm going to do is, again, come down to
24 where you are to talk to you. I just -- this
25 distance between us is disturbing to me.
26 This is the Indictment:
27 The People of the State of California versus
28 Michael Joe Jackson, Defendant. 3

Count 1: The Grand Jury of the County of Santa Barbara, State of California, by this Indictment, hereby accuses Michael Joe Jackson of a felony, to wit: a violation of Penal Code Section 182, subdivision (a), sub (1), conspiracy, in that on or about and between February 1, 2003, and March 31, 2003, in the County of Santa Barbara, State of California, he did conspire with Ronald Konitzer, Dieter Weizner, and Frank Cascio, aka Frank Tyson, Vinnie Amen, Frederic Marc Schaffel, and other uncharged co-conspirators and co-conspirators whose identities are unknown, to commit the crime of a violation of Penal Code Section 278, child abduction, a felony; a violation of Penal Code Section 236, false imprisonment, a felony; a violation of Penal Code Section 518, extortion, a felony; and that pursuant to and for the purpose of carrying out the objectives and purposes of the aforesaid conspiracy, to wit: unlawfully controlling, withholding, isolating, concealing, enticing and threatening John Doe, James Doe, Judy Doe, all minor children, and Jane Doe, an adult, did commit one or more of the following overt acts in the State of California, at least one of them in the County of Santa Barbara:

Over Act Number 1: On or about February 4th, 2003, Michael Joe Jackson told Jane Doe that the lives of her children, John, James and Judy Doe, 4

were in danger due to the recent broadcast on British television of the documentary "Living with Michael Jackson," in which John Doe appears with Michael Joe Jackson. And Michael -- excuse me, appears with Michael Joe Jackson, period. Michael Joe Jackson did tell Jane Doe that she and her three children would be flown to Miami to participate in a press conference, which press conference never took place.

Overt Act Number 2: On and between February 4th, 2003, and February 5th, 2003, the documentary "Living with Michael Jackson," in which John Doe appears, was broadcast in the United States. Michael Joe Jackson did personally prevent the Doe family from viewing the program, while at the Turnberry Resort Hotel in Miami, Florida.

Overt Act Number 3: On and between February 7th, 2003, and February 8th, 2003, Michael Joe Jackson did return the Doe family to Santa Barbara in a private jet. On the flight, Michael Joe Jackson did sit with John Doe and did give him an alcoholic beverage, concealed in a soft drink can. Michael Joe Jackson did then present John Doe with a wristwatch. Michael Joe Jackson did tell John Doe that the watch was worth $75,000. Michael Joe Jackson did tell John Doe not to tell anyone about them drinking alcoholic beverages together.

Overt Act Number 4: On or about February 5

1 8th, 2003, Michael Joe Jackson brought the Doe
2 family to Jackson's Neverland Ranch, where John,
3 James, Judy and Jane Doe remained for approximately
4 five days.
5 Overt Act Number 5: On and between February
6 6th, 2003, and February 12th, 2003, in both Miami,
7 Florida, and at Neverland Ranch in Santa Barbara
8 County, Ronald Konitzer and Dieter Weizner did tell
9 Jane Doe that there were death threats made against
10 her and her children by unknown individuals. They
11 did further tell Jane Doe that the only way to
12 assure the safety of her family was for the Does to
13 participate in the making of a "rebuttal" video
14 favorable to Michael Joe Jackson.
15 Overt Act Number 6: On and between February
16 12th, 2003, and February 15th, 2003, after the Doe
17 family had departed Neverland Ranch in the night,
18 Frank Cascio, aka Frank Tyson, did telephone Jane
19 Doe and did urge her to return with her children to
20 Neverland Ranch and did say, quote, "I know Michael
21 would love for you to come back to the ranch, for
22 the safety of all concerned," unquote; and, quote,
23 "Now is not the time to be out there alone,"
24 unquote; and, quote, "Never turn your back on
25 Michael," unquote; and, "Michael wants to see you
26 and the family," that's in quotes; and, quote, "You
27 need to go back up to the ranch and see Michael,
28 because he's very concerned," unquote; and, quote, 6

"Even staying another night alone is not safe,"
unquote.
Frank Cascio, aka Frank Tyson, did tell Jane
Doe that, "We would love for you to go on tape and
just say something beautiful about Michael." Frank
Cascio did assure Jane Doe and John Doe that Ronald
Konitzer and Dieter Weizner would no longer be
present at the ranch if they returned. He did
state, "They are not there; I know that for a fact."
Overt Act Number 7: On and between February
2003 and March 2003, at Neverland Ranch, Frank
Cascio, aka Frank Tyson, did threaten James Doe that
Cascio did have ways to make James Doe's parents
disappear. Frank Cascio did tell John Doe, "I could
have your mother killed."
Overt Act Number 8: On or about February
14th, 2003, and February 15th, 2003, Michael Joe
Jackson's personal chauffeur, Gary Hearne, did drive
to Jane Doe's Los Angeles residence and did
transport her and her children back to the Neverland
Ranch in Santa Barbara County.
Overt Act Number 9: On and between February
14th, 2003, and February 15th, 2003, upon the Doe
Family's return to Neverland Ranch, Ronald Konitzer
and Dieter Weizner were, in fact, present; whereupon
Jane Doe asked to leave with her children. Ronald
Konitzer and Dieter Weizner did tell Jane Doe that
she was free to depart, however her children must 7

remain at the ranch.
Overt Act Number 10: During the month of February 2003, in Santa Barbara County, California, Michael Joe Jackson's personal security staff was directed in writing not to allow John Doe to leave Neverland Ranch.
Over Act Number 11: During the month of February 2003, Frederic Marc Schaffel, Christian Robinson and an unknown attorney did prepare a script of questions to be asked of the Doe family during the filming of the "rebuttal" video by Hamid Moslehi, Michael Joe Jackson's personal videographer.
Overt Act Number 12: On or about February 19th, 2003, the Doe children were transported by Hamid Moslehi from Neverland Ranch to Moslehi's home in the San Fernando Valley, and on the same date, Vinnie Amen did transport Jane Doe to Hamid Moslehi's filming of the "rebuttal" video.
Overt Act Number 13: On or about February 19th, 2003, in Los Angeles County between 11:00 p.m. and 1:00 a.m., the employees and associates of Michael Joe Jackson did tape the "rebuttal" video, an interview of the Doe family, in the presence of Vinnie Amen and Bradley Miller, a licensed private investigator. During the taping, previously scripted questions were asked of the Doe family.
Overt Act Number 14: On or about February 8

20th, 2003, Vinnie Amen did transport Jane Doe to Norwalk, in Los Angeles County, to obtain birth certificates of the Doe family for the purpose of obtaining passports and visas to travel to Brazil.

Overt Act Number 15: On and between February 25th, 2003, and March 2nd, 2003, Vinnie Amen did take the Doe family from Neverland Ranch to the Country Inn and Suites in Calabasas, Los Angeles County. Vinnie Amen did transport Jane Doe to public offices in Los Angeles County where passports showing the destinations of Italy and France and visas for entrance to Brazil for the Doe family were obtained. Frederic Marc Schaffel, business partner of Michael Joe Jackson and president of Neverland Valley Entertainment, did pay expenses in connection with this activity.

Overt Act Number 16: On or about February 25th, 2003, Frederic Marc Schaffel did make airline reservations for the Doe family to travel to Brazil on March 3rd, 2003.

Overt Act Number 17: On or about February 26th, 2003, Frederic Marc Schaffel and Frank Cascio, aka Frank Tyson -- excuse me.

On or about February 26th, 2003, Frederic Marc Schaffel paid Frank Cascio, aka Frank Tyson, $1,000 in connection with "vacation" expenses of the Doe family.

Overt Act Number 18: On or about February 9

23rd (sic), 2003, Frederic Marc Schaffel did pay Vinnie Amen the sum of $500 cash for costs related to the Brazilian visas of the Doe family.

Overt Act Number 19: On and between February 2003 and March 2003, at the Neverland Ranch, Michael Joe Jackson did have John Doe sleep in his bedroom and in his bed.

Overt Act Number 20: On and between February 2003 and March 2003, at Neverland Ranch, Michael Joe Jackson did house Jane and Judy Doe in a guest cottage on Neverland Ranch where Jane and Judy Doe slept.

Overt Act Number 21: On and between February 2003 and March 2003, at Neverland Ranch, Michael Joe Jackson did show sexually explicit materials to John and James Doe.

Overt Act Number 22: On and between February 2003 and March 2003, at Neverland Ranch, Michael Joe Jackson did drink alcoholic beverages in the presence of John and James Doe and provided alcoholic beverages to them.

Overt Act Number 23: On and between February 2003 and March 2003, Michael Joe Jackson did monitor and maintain control over the activities at Neverland Ranch by means of multiple interior door locks, proximity sensor alarm devices, and a keypad combination lock, as well as video and telephone surveillance equipment. Michael Joe 10

Jackson did personally monitor telephone conversations of Jane Doe, without her knowledge or permission.

Overt Act Number 24: On or about March 1st, 2003, Vinnie Amen did pay the rent on the residence of the Doe family in Los Angeles County and moved their belongings into storage.

Overt Act Number 25: On or about March 6th, 2003, Vinnie Amen did go to John Burroughs Middle School in Los Angeles County and he did withdraw John and James Doe from their enrollment there, telling school authorities that the children were relocating to Phoenix, Arizona.

Overt Act Number 26: On or about March 9th, 2003, Michael Joe Jackson was told by John Doe that John Doe had a medical appointment the following day, at which time he was to give his medical staff a 24-hour-long urine collection specimen for laboratory analysis.

Michael Joe Jackson, in Santa Barbara County, did tell John Doe to cancel the appointment, because the sample would reveal that John Doe had been consuming alcoholic beverages while staying at the Neverland Ranch.

On or about March 10th, 2003, in Los Angeles County, after Jane Doe refused to cancel the medical appointment and while on the way to the medical appointment, Vinnie Amen did destroy most of John 11

Doe's collected urine specimen, intended for laboratory analysis in connection with John Doe's follow-up treatment for the disease of cancer.
Overt Act Number 27: On and between February 2003 and March 2003, in Los Angeles County, and as revealed by a surveillance tape located on November 18th, 2003, in the office of Private Investigator Bradley Miller, an unknown co-conspirator conducted video surveillance of John Doe and various members of John Doe's family, including his grandmother and grandfather, his mother, his mother's boyfriend, his brother and his sister, at and near their respective residences and elsewhere.
Overt Act Number 28: On or about March 31, 2003, Michael Joe Jackson did direct Frederic Marc Schaffel to pay Frank Cascio, aka Frank Tyson, the sum of one million dollars, from "Petty Cash" of Neverland Valley Entertainment on behalf of Michael Joe Jackson.
Those are the end of the overt acts. We're now going to Count 2.
Count 2: The Grand Jury of the County of Santa Barbara, State of California, by this Indictment, hereby accuses Michael Joe Jackson of a felony, to wit: a violation of Penal Code Section 288, subdivision (a), lewd act upon a child, in that on or about and between February 20th, 2003, and 12

March 12th, 2003, in the County of Santa Barbara, State of California, he did willfully, unlawfully, and lewdly commit a lewd and lascivious act upon and with the body and certain parts and members thereof of John Doe, a child under the age of 14 -- under the age of 14 years, with the intent of arousing, appealing to, and gratifying the lust, passions, and sexual desires of said defendant and the said child. The further allegation that in the circumstances of the crime alleged in this count the crime constituted substantial sexual conduct with a child under the age of 14 years, within the meaning of Penal Code Section 1203.066, subdivision (a)(8). Count 3: The Grand Jury of the County of Santa Barbara, State of California, by this Indictment, hereby accuses Michael Joe Jackson of a felony, to wit: a violation of Penal Code Section 288, subdivision (a), lewd act upon a child, in that on or about and between February 20th, 2003, and March 12th, 2003, in the County of Santa Barbara, State of California, he did willfully, unlawfully and lewdly commit a lewd and lascivious act upon and with the body and certain parts and members thereof of John Doe, a child under the age of 14 years, with the intent of arousing, appealing to, and gratifying the lust, passions and sexual desires of said defendant and said child. The further allegation that in the 13

circumstances of the crime alleged in this count the crime constituted substantial sexual conduct with a child under the age of 14 years, within the meaning of Penal Code Section 1203.066, subdivision (a)(8).

Count 4: The Grand Jury of the County of Santa Barbara, State of California, by this Indictment, hereby accuses Michael Joe Jackson of a felony, to wit: a violation of Penal Code Section 288, subdivision (a), lewd act upon a child, in that on or about and between February 20th, 2003, and March 12th, 2003, in the County of Santa Barbara, State of California, he did willfully, unlawfully and lewdly commit a lewd and lascivious act upon and with the body and certain parts and members thereof of John Doe, a child under the age of 14 years, with the intent of arousing, appealing to, and gratifying the lusts, passions, and sexual desires of said defendant and the said child.

The further allegation that in the circumstances of this count, the crime constituted substantial sexual conduct with a child under the age of 14 years, within the meaning of Penal Code Section 1203.066 (a)(8).

Count 5: The Grand Jury of the County of Santa Barbara, State of California, by this Indictment, hereby accuses Michael Joe Jackson of a felony, to wit: a violation of Penal Code Section 288, subdivision (a), lewd act upon a child, in that 14

on or about and between February 20th, 2003, and March 12th, 2003, in the County of Santa Barbara, State of California, he did willfully and unlawfully and lewdly commit a lewd and lascivious act upon and with the body and certain parts and members thereof of John Doe, a child under the age of 14 years, with the intent of arousing, appealing to, and gratifying the lusts, passions, and sexual desires of said defendant and said child.

The further allegation that in the circumstances of the crime alleged in this count the crime constituted substantial sexual conduct with a child under the age of 14 years, within the meaning of Penal Code Section 1203.066, subdivision (a)(8).

Count 6: The Grand Jury of the County of Santa Barbara, State of California, by this Indictment, hereby accuses Michael Joe Jackson of a felony, to wit: a violation of Penal Code Sections 664 and 288, subdivision (a), attempt to commit a lewd act upon a child, in that on or about and between February 20th, 2003, and March 12th, 2003, in the County of Santa Barbara, State of California, he did willfully, unlawfully and lewdly attempt to have John Doe, a child under 14 years of age, commit a lewd and lascivious act upon and with Defendant Michael Joe Jackson's body and certain parts and members thereof, with the intent of arousing, appealing to, and gratifying the lust, passions, and

sexual desires of the said defendant and the said child.

Count 7: The Grand Jury of the County of Santa Barbara, State of California, by this Indictment, hereby accuses Michael Joe Jackson of a felony, to wit: a violation of Penal Code Section 222, administering an intoxicating agent to assist in the commission of a felony, in that on or about and between February 20th, 2003, and March 12th, 2003, in the County of Santa Barbara, State of California, he did unlawfully administer to John Doe an intoxicating agent, to wit: alcohol, with the intent thereby to enable and assist him to commit a felony, to wit: child molestation, in violation of Penal Code Section 288, subdivision (a).

Count 8: The Grand Jury of the County of Santa Barbara, State of California, by this Indictment, hereby accuses Michael Joe Jackson of a felony, to wit: a violation of Penal Code Section 222, administering an intoxicating agent to assist in the commission of a felony, in that on or about and between February 20th, 2003, and March 12th, 2003, in the County of Santa Barbara, State of California, he did unlawfully administer to John Doe an intoxicating agent, to wit: alcohol, and with the intent thereby to enable and assist himself to commit a felony, to wit: child molestation, in violation of Penal Code Section 288, subdivision 16

(a).

Count 9: The Grand Jury of the County of Santa Barbara, State of California, by this Indictment, hereby accuses Michael Joe Jackson of a felony, to wit: a violation of Penal Code Section 222, administering an intoxicating agent to assist in the commission of a felony, in that on or about and between February 20th, 2003, and March 12th, 2003, in the County of Santa Barbara, State of California, he did unlawfully administer to John Doe an intoxicating agent, to wit: alcohol, with the intent thereby to enable and assist him to commit a felony, to wit: child molestation, in violation of Penal Code Section 288, subdivision (a).

Count 10: The Grand Jury of the County of Santa Barbara, State of California, by this Indictment, hereby accuses Michael Joe Jackson of a crime, to wit: a violation of Penal Code Section 222, administering an intoxicating agent to assist in the commission of a felony, in that on or about between February 20th, 2003, and March 12th, 2003, in the County of Santa Barbara, State of California, he did unlawfully administer to John Doe an intoxicating agent, to wit: alcohol, with the intent thereby to enable and assist him to commit a felony, to wit: child molestation, in violation of Penal Code Section 288, subdivision (a).

It is further alleged that Counts 2 through 17

1 5 are serious felonies within the meaning of Penal
2 Code Section 1192.7, subdivision (c)(6).
3 As to Counts 2 through 5, it is further
4 alleged, pursuant to Penal Code Section 1203.066,
5 subdivision (a)(8), that the victim in the above
6 offense, John Doe, was under the age of 14 years and
7 Michael Joe Jackson had substantial sexual conduct
8 with John Doe.
9 Pursuant to the provisions of Penal Code
10 Section 293.5 the use of "John Doe" as it appears in
11 the Indictment is for the purpose of protecting the
12 privacy of the alleged victim.
13 This Indictment is signed by Ronald Zonen on
14 behalf of Tom Sneddon, signed by Gordon Auchincloss
15 on behalf of Thomas Sneddon, and is declared to be a
16 true bill by the foreperson of the grand jury, who
17 signed it on April 21st, 2004.
18 Up until this time the Indictment in this
19 case has been sealed. It is hereby unsealed.
20 I'm now going to read to you a short two- or
21 three-page statement of some jury instructions that
22 I hope will help you as you begin to listen to the
23 case. But I need some water.
24 And I want to remind you, after reading that
25 entire Indictment, that Mr. Jackson has pled not
26 guilty to all those charges. He's put every
27 allegation in those charges at issue by pleading not
28 guilty. And the Indictment is not evidence of his 18

guilt.
Members and alternate members of the jury:
You have been selected and sworn as jurors and
alternate jurors. I shall now instruct you as to
your basic functions, duties and conduct.
At the conclusion of the case, I will give
you further instructions on the law. All of the
Court's instructions, whether given before, during
or after the taking of testimony, are of equal
importance.
You must base the decisions you make on the
facts and the law. First, you must determine the
facts from the evidence received in the trial and
not from any other source.
A fact is something proved by the evidence
or by a stipulation. A stipulation is an agreement
between attorneys regarding the facts.
Second, you must apply the law that I state
to you to the facts as you determine them, and in
this way arrive at your verdict and any finding you
are instructed to include in your verdict.
You must accept and follow the law as I
state it to you, regardless of whether you agree
with it or not. If anything concerning the law said
by the attorneys in their arguments or at any other
time during the trial conflicts with my instructions
on the law, you must follow my instructions.
You must not be influenced by pity for the 19

defendant, or by prejudice against him. You must not be biased against the defendant because he has been arrested for this offense, charged with a crime, or brought to trial. None of these circumstances is evidence of guilt. And you must not infer or assume any or all of them -- assume from any or all of them that he is more likely to be guilty than not guilty.

You must not be influenced by mere sentiment, conjecture, sympathy, passion, prejudice, public opinion, or public feeling. Both the People and the defendant have a right to expect that you will conscientiously consider and weigh the evidence, apply the law, and reach a just verdict, regardless of the consequences.

Statements made by the attorneys during the trial are not evidence. However, if the attorneys stipulate or agree to a fact, you must regard that fact as proven.

If an objection is sustained to a question, do not guess what the answer might have been. Do not speculate as to the reason for the objection.

Do not assume to be true any insinuation suggested by a question asked a witness. A question is not evidence and may be considered only as it helps you to understand the answer. Do not consider for any purpose any offer of evidence that is rejected or any evidence that is stricken by the 20

Court. Treat it as though you had never heard it.
You must not independently investigate the facts or the law or consider or discuss facts as to which there is no evidence. This means, for example, that you must not, on your own, visit the scene, conduct experiments, or consult reference works or persons for additional information.
You must not converse among yourselves or with anyone else, including, but not limited to, spouses, spiritual leaders or advisors or therapists on any subject connected with the trial, except when all of the following conditions exist: A, the case has been submitted to you for your decision by the Court following arguments by counsel and jury instructions; B, you are discussing the case with a fellow juror; and, C, all 12 jurors and no other persons are present in the jury deliberating room.
You must not read or listen to any accounts or discussions of the case reported by the newspapers or other news media, including radio, television, the Internet, or any other source.
You will be given notebooks and pencils. Leave them on your seat when you leave each day and at each recess. You will be able to take them into the jury room when you deliberate.
A word of caution: You may take notes. However, you should not permit note-taking to distract you from the ongoing proceedings. 21

Remember, you are the judges of the believability of the witnesses.
Notes are only an aid to memory and should not take precedence over recollection. A juror who does not take notes should rely on his or her recollection of the evidence and not be influenced by the fact that other jurors do take notes. Notes are for the note-taker's own personal use in refreshing his or her recollection of the evidence.
Should a discrepancy exist between a juror's recollection of the evidence and a juror's notes, or between a juror's recollection and that of another, you have a right to, and may request, the court reporter read back the relevant testimony, which must prevail.
You will be permitted to separate at the evening recess. You must return following -- on the following days at such times as I instruct you.
During recess, you must not discuss with anyone, any subject connected with this trial.
As for the alternate jurors, you are bound by all these admonitions. You must not converse among yourselves or with anyone else on any subject connected with the trial or form or express any opinion on it until the case is submitted to you, which means until such time as you are substituted in for one of the 12 jurors and begin deliberating on the case. 22

This means that you must not decide how you would vote if you were deliberating with the other jurors, and that you must not form or express an opinion about the case unless and until you have been substituted in as a juror in the case.

You are not to visit or view the premises or place where the crime or crimes charged were allegedly committed or any other premises or place mentioned or involved in the case.

During the course of this trial, and before you begin your deliberations, you must keep an open mind on this case, and upon all of the issues that you will be asked to decide. In other words, you must not form or express any opinions on this case until the matter is finally submitted to you.

Before and within 90 days of your discharge as a juror in this matter, you must not request, accept, agree to accept, or discuss with any person receiving or accepting any payment or benefit in consideration for supplying any information concerning the trial.

You must promptly report to the Court any incident within your knowledge involving an attempt by any person either to improperly influence any member of this jury or to tell a juror his or her view of the evidence of the case.

At this time, the lawyers will be permitted to make an opening statement, if they choose to do 23

so. An opening statement is not evidence. Because it is not evidence, do not take any notes during the opening statement.
Neither is it argument. Counsel are not permitted to argue the case at this point in the proceedings.
An opening statement is simply an outline by counsel of what he or she believes or expects the evidence will show in this trial. Its sole purpose is to assist you in understanding the case as it is presented to you.
Mr. Sneddon.
MR. SNEDDON: Yes, Your Honor.
THE COURT: I understand there is a change in the way we're going to refer to the alleged victims in this case.
MR. SNEDDON: That's correct, Your Honor. And the change is that we are going to use the real names.
THE COURT: All right. Counsel agree.
MR. MESEREAU: Defense would agree to that, Your Honor.
THE COURT: And I understand the reason for this change in this case is that there is so much documentary, written evidence that has their names in it would be pretty much impossible to proceed without reaching this agreement.
MR. SNEDDON: That's correct, Your Honor. I 24

discussed it with the family and explained to them the technical problems of trying to go through all the redaction process with every tape and video and everything else, and they understood. And they said that they were comfortable with it, the decision to change it back.

THE COURT: All right. I'll accept that agreement and request. And I will allow the names of the victims to be used in this case.

In doing so, I want to express to the members of the press who did not reveal the names of the victims in accordance with our law, how deeply appreciated that was by the Court.

And I want you to know that in other cases, it would remain very important to continue your policies that you expressed not revealing the victim's names in these type of cases.

Are you ready to proceed.

MR. SNEDDON: Judge, there's one final thing that we discussed a long time ago, but I wanted to double-check with the Court. There is a motion to exclude witnesses; is that correct.

THE COURT: I don't remember. Yes, there was, during one of the hearings, a motion -- is there a motion to exclude witnesses during the trial.

MR. SNEDDON: Yes, sir. I believe that was the request of both parties. 25

MR. MESEREAU: We would make a similar motion, Your Honor.
THE COURT: All right. The motion to exclude witnesses made by both parties is granted.
MR. SNEDDON: Yes, sir.
THE COURT: Does that require witnesses not to be present during your opening remarks or just during the testimony.
MR. SNEDDON: Well, I understand -- I'm sorry, Your Honor. My understanding would sort of defeat the proposition if they were allowed to remain in the courtroom during the opening statement, by either party.
THE COURT: All right. Then --
MR. SNEDDON: Other than the investigating officer, of course, who's been designated.
THE COURT: All right. Any witnesses that have been subpoenaed to testify in this case or who expect to testify, if you're in the courtroom at this time, you're required to leave the courtroom. Seeing nobody leaving, you may proceed. I am going to take breaks at the standard time, so -- just so you know.
MR. SNEDDON: Good morning.
THE JURY: (In unison) Good morning.
MR. SNEDDON: On February the 3rd of 2003, Michael Jackson, the defendant in this case, world was rocked. And it didn't rock in a musical sense. 26

It rocked in a real life sense. And it was rocked by the fallout from the broadcast in the United Kingdom of the Martin Bashir video documentary, "Living with Michael Jackson."
And his life was rocked so badly that one of his long-time closest and most trusted associates, and co-conspirator in this case, Marc Schaffel described it as "a train wreck."
Now, I'm sure that some of you ladies and gentlemen are going to be a little surprised to learn, as the testimony and the evidence unfolds in this case, that actually for years prior to the Bashir video that the defendant in this case was heavily in debt. That his musical assets --
MR. MESEREAU: Objection.
MR. SNEDDON: -- and his real estate property --
MR. MESEREAU: Objection.
THE COURT: Sustained.
MR. SNEDDON: Your Honor, that's the motive for the --
MR. MESEREAU: Objection, again, Your Honor.
THE COURT: The --
MR. MESEREAU: He's violating your order.
THE COURT: The final determination as to the financial evidence coming in has not been reached.
MR. SNEDDON: Very well, Your Honor.
Unfortunately, for Mr. Jackson, the effect 27

of the Bashir documentary had just the opposite effect.
This case, in Count 1, is a case about conspiracy. It's about the train wreck situation caused by the Bashir documentary. It's about the world's reaction and how it created the motive for the once superstar's desperate attempt to salvage his once very powerful musical career.
This is also a case about Michael Jackson's exploitation of a 13-year-old boy and cancer survivor, Gavin Arvizo.
It's about how Jackson, after almost a year of having no contact with this young boy, reached out to the young boy and invited him to Neverland Ranch to participate in the Bashir documentary.
It's about how he never told this boy that the interview was anything other than an audition.
That the boy nor any member of their family realized that the interview that occurred on the ranch that day was going to be broadcast internationally around the world and seen by millions and millions of people.
This case is about the defendant. It's about his manipulation of the young boy's adolescence through exposing him to strange sexual behavior and introducing him to sexually graphic adult magazines.
It's about how he traded on the boy's

obvious and often expressed admiration for the defendant. And it's about how he exploited the knowledge of the fact that the child had no father in his life, and had had no father in his life for over a year, because of the separation and divorce of the parents, and the fact that there was a court restraining order prohibiting the father from seeing the children.

He exploited this paternal relationship and created another relationship with the child as a surrogate father, encouraging both the child, Gavin Arvizo, the mother, and other members of the family to refer to him as "Daddy" or "Michael Daddy."

You will soon see, as one of the first witnesses in this case, the Martin Bashir documentary. You will see Bashir's probing and incredulous questioning of the defendant.

And you will see the defendant's almost casual responses to his questions in trying to justify his admitted practice and long-standing custom and habit of sharing his bedroom, and his bed, with young boys.

You will soon hear the testimony from such witnesses as Ann Gabriel, Rudy Provencio, Ian Drew, and others close to the defendant in this case, that the Bashir documentary was deemed a disaster. And that the Arvizo family was a dangerous loose end.

One that needed to be isolated, one that needed to

be controlled, and one that needed to be convinced to participate in a pro Michael Jackson video that was planned to be aired later in mid-February.
As the trial unfolds, you will also learn that maintaining that isolation and maintaining that control became very problematic. And gaining the cooperation of the mother, Janet Arvizo, was very, very difficult. And you will learn the reasons why.
The evidence through the Arvizo family, and corroborated by tape-recordings and other witnesses, will show that when logic and reason appeals to trust, deceit, and lies and threats, failed.
That the defendant in this case and his co-conspirators were able to obtain the valuable interview that they needed from the Arvizo family through extortion. And it was done very simply.
As events turned out -- and I will explain to you in later detail during other parts of my opening statement here this morning -- that as a result of the things that occurred in this case, authorities from the school contacted the Department of Social Services in Los Angeles, and they contacted Mrs. Arvizo, and they wanted Mrs. Arvizo to produce the children for an interview on February the 20th in Los Angeles.
But Mrs. Arvizo had a problem. Because Mrs. Arvizo at that point in time was not on the ranch, and the children were. And she had refused 30

to participate in the video that they desired on a number of occasions prior to this.
She placed a phone call to one of the co-conspirators in this case, Frank Tyson, who also goes by the name of Frank Cascio. And it was put to her quite simply: No children; no video. No children; no video.
She had no choice but to agree for herself and the children to participate in the video.
What followed was kind of a bizarre event in the sense that the children were taken from Neverland Ranch by Michael Jackson's personal videographer --
THE BAILIFF: Hit the switch.
MR. SNEDDON: Well, I know I've had some effects on people before, but I don't think I've ever had that one.
(Laughter.)
BAILIFF CORTEZ: Okay. Back on.
THE BAILIFF: Wait just one second.
MR. SNEDDON: I don't need it.
THE BAILIFF: You don't need it.
MR. SNEDDON: I told you, I don't need it.
I guess that gives new meaning to an electric personality.
I think we were at that point in time now where we're talking about the fact that the children are at the ranch. And the defendant's personal 31

viedographer, Hamid Moslehi, is commissioned to bring the children from the ranch to his Calabasas residence where the filming is going to take place. Another member of the co-conspirator's team named Vinnie Amen, who also goes by the name of Vinnie Black, picks up Janet Arvizo at a West Los Angeles apartment where she's staying with her future husband and fiance, Major Jay Jackson. They meet at Moslehi's residence in Calabasas. And it's now approaching about 11:30 or almost midnight when everybody arrives. What results is a video that occurs -- and I'm going to speak more about later in my presentation -- but occurs and doesn't end until two o'clock in the morning. And the children are then taken back to West Los Angeles for a nine o'clock appointment with the Department of Social Services people, the very next morning.

Now, what I want to do is -- at this point, is I want to share with you just a few of the comments from the Bashir transcript. I want to share with you some of the things that caused the reactions and the movement of the people and the parties involved in this particular case that I've already discussed rather briefly.

And before I do that, though, I want to stop and tell you, in caution and in candor and in fairness, this video that you will hear is about an 32

1 hour and 40 minutes long. And it's not my intention
2 to lift from that -- from that video just a portion
3 of it. But you will see from what I'm going to
4 lift, that it is the parts that deal most
5 specifically with this case.
6 This is the interview of Martin Bashir and
7 the defendant. It's the interview that occurs
8 towards the end of the eight-month journey in the
9 filming of the life and "Living with Michael
10 Jackson" video documentary.
11 "Martin Bashir: It was a great privilege to
12 meet Gavin because he's had a lot of suffering in
13 his life.
14 "Michael Jackson: Yeah.
15 "Martin Bashir: When Gavin was there, he
16 talked about the fact that he shares your bedroom.
17 "Michael Jackson: Yes.
18 "Martin Bashir: Can you understand why
19 people would worry about that.
20 "Michael Jackson: Because they're ignorant.
21 "Bashir: But is it really appropriate for a
22 40-year-old man to share a bedroom with a child that
23 is not related to him.
24 "Michael Jackson: That's a beautiful thing.
25 "Martin Bashir: That's not a worrying
26 thing.
27 "Michael Jackson: Why should it be
28 worrying. Who's the criminal. Who's the Jack the 33

1 Ripper in the room. This is a guy trying to help
2 and heal a child. I'm sleeping in a sleeping bag on
3 the floor. I give him the bed because he has a
4 brother named Star, so him and Star took the bed and
5 I'm on the floor in the sleeping bag.
6 "Did you ever sleep in bed with him.
7 "No, but I have slept in bed with many
8 children. I sleep in bed with all of them.
9 "Bashir: But is that right, Michael.
10 "Michael: It's very right. It's very
11 loving. That's what the world needs now. More
12 love, more love.
13 "Martin Bashir: The world. The world
14 needs....
15 "Michael Jackson: More heart.
16 "Martin Bashir: The world. The world needs
17 a man, 44, sleeping in bed with children.
18 "Michael Jackson. No, you're making it --
19 no, no, you're making it all wrong. That's wrong.
20 "Bashir: Well, tell me. Help me.
21 "Michael Jackson: Because what's wrong with
22 sharing a love. You don't sleep with your kids and
23 some other kids" -- I'm sorry. "You don't sleep
24 with your kids or some other kids who need love who
25 didn't have a good childhood.
26 "Martin Bashir: No. No, I don't. I never
27 dream of sleeping --
28 "Michael Jackson: Well, I would. I would. 34

1 Because you've never been where I've been mentally."
2 Later on in the transcript, Bashir goes on:
3 "But isn't that precisely the problem, that when you
4 actually invite children into your bed, you never
5 know what's going to happen.
6 "Michael Jackson: But when you say 'bed,'
7 you're thinking sexual. They make it sexual. It's
8 not sexual. We're going to sleep. I tuck them in.
9 We put -- I put a little, like, music on. We do a
10 little story time. I read a book. It's very sweet.
11 We put the fireplace on. We give them hot milk, you
12 know, and we have little cookies. It's very
13 charming. It's very sweet."
14 Ladies and gentlemen, this case begins with
15 ten-year-old Gavin Arvizo. It begins in the year
16 2000. It begins when Gavin Arvizo is living with
17 his mother, Janet Arvizo, and his father David, and
18 his older sister Davallin, and his younger brother
19 Star, in a studio apartment in East Los Angeles.
20 It begins with his diagnosis of stage four
21 cancer at the age of 10. In an attempt to stem the
22 cancer, a medicine-sized -- medicine-ball-size
23 tumor, weighing 16 pounds, is removed from his
24 abdomen. Lesions were removed from his lungs. His
25 gall bladder was removed. Lymph nodes were removed.
26 And one kidney was also removed.
27 For a year, he underwent chemotherapy. Long
28 recuperative hospitalizations and long periods of 35

recuperation at his grandparents' place. And in all candor, the doctors told the Arvizos and told Gavin Arvizo to prepare for his funeral, that he wasn't going to survive.

But, you see, Gavin's a fighter, and Gavin wasn't willing to quit. And because of a miracle, today Gavin is alive and his cancer is in remission and he's a freshman in high school. And he's an active member of a Navy Explorer unit and has gone through a boot camp in 2003 in Virginia. And he played football on his freshman high school football team this year.

During Gavin's fight for life, however, there were people actively involved in supporting him. And one of those people that you're going to learn about in this case is Jamie Masada.

Now, Jamie Masada you probably have not heard of, but you may have heard of the company that he founded. He started with The Laugh Factory on Sunset Boulevard in Los Angeles. He now has places in Hawaii and he has a place in New York City. It's for comedians. And as one of the things that Mr. Masada did, is he sponsored camps during the summer for underprivileged children.

And during the summer one year when the children were younger, the three children, Davallin, Star and Gavin, participated at The Laugh Factory in a summer program for underprivileged children. 36

Jamie Masada took a liking to the children.
He particularly took a liking to Gavin. And when he
heard that Gavin was -- had cancer, that it was
serious and that he may not live, he began to visit
Gavin on a regular basis.
And some of -- you know, unfortunately one
of the things that happens to kids that are going to
die from cancer, there are organizations and people
and individuals, allow them to try to make a last
wish, to make a wish.
And Gavin's wish, Gavin's wish was to meet
some comedians and entertainers. And Gavin's wish
was to meet Chris Tucker. And Gavin's wish was to
meet Adam Sandler. And Gavin's wish was to meet the
defendant in this case, Michael Jackson.
He actually met all of them. The first call
came from the defendant while Gavin Arvizo was in
the hospital recuperating from one of his
chemotherapy sessions. Over the next several weeks,
they exchanged television calls on a regular basis.
The calls often lasted hours.
And during one of the recuperative periods
when Gavin was at home, Michael Jackson invited the
Arvizo family from East Los Angeles to the ranch of
Neverland here in Santa Barbara County.
In August of 2000, the Arvizo family,
Gavin's -- Gavin, ten, and Star, nine, were picked
up in a limousine with their mother and their father 37

and their brother, and traveled to Neverland Valley Ranch.
It was here -- and you can imagine just about the excitement that must have been with the family, coming from an environment like that to the ranch and this beauty that we have here in Santa Barbara County. And the family was put up in the guest cottages at the ranch and they were there for several days.
Now, on the night before the last day that they were to leave, Michael Jackson, the defendant in this case, takes Gavin aside, and he says to Gavin, "Gavin, why don't you ask your parents if you can spend the night in my bedroom, at the dinner table tonight."
Well, obviously here's a little kid who's in the midst of a life-threatening disease --
MR. MESEREAU: Objection.
MR. SNEDDON: -- a chance to spend the night --
MR. MESEREAU: Objection.
THE COURT: Overruled. Go ahead.
MR. SNEDDON: -- the chance to spend the night with one of his idols. Gavin obliges. Gavin asks his parents at dinner, "Can I spend the night with Michael Jackson in his bedroom."
And the parents say, "Yes"; they agree. And it's agreed that Star will go along with them. 38

Now, what happens that night is this: The defendant, Frank Tyson, the defendant's children, particularly his son Prince, Prince Michael, and the two Arvizo boys are in the downstairs area of the Jackson bedroom suite. And after a few hours, they go upstairs to the bedroom. And when they get up into the bedroom, Tyson pulls out a laptop computer, and Jackson and Tyson are hooking the computer up to the Internet. And when they get on the Internet, they then place the computer with the boys there, and they take the boys, nine-year-old and ten-year-old, on a tour of sexually explicit websites. Naked ladies. They take them on a tour of a number of websites. And it lasts approximately 30 to 40 minutes.

And during the time that they travel through these websites, at one of the points in time when a female is shown to -- with her shirt up, exposing her breasts, the defendant turns and exclaims: "Got milk." And he turns around to the sleeping Prince on the bed and says, "Prince, you're missing a lot of pussy."

The Arvizo boys spent the night with Michael Jackson. They did not sleep in bed with him. They slept in the bed. And it is true, Jackson slept on the floor.

The Arvizo boys returned to the ranch a couple of times during 2000. Never with their

mother or their sister again. Jackson was rarely there. And after several months, the relationship drifted apart. The number that Gavin had been given for the defendant was no longer good. There was no more phone calls and there was relatively no contact between the Arvizos and Michael Jackson.

However, the participation of Gavin Arvizo in the Martin Bashir video changed his life forever. Because, you see, Gavin Arvizo ended up being one of those boys who shared a bed with the defendant, Michael Jackson.

He didn't do it in 2000 on the first visit to the ranch. And he didn't do it, as many people suspected, when they saw the Martin Bashir video. But he did it in February and in March of 2003 at Neverland Valley Ranch.

I want to take you now back to some of the statements that we heard in the Bashir tape made by the defendant in this case. I want to take you back to the admissions that are found in that video about his public statements acknowledging sharing his bedroom and his bed with young boys, and to the circumstances of the explanation under -- in which he says he does so. Let's explore that for a moment.

You see, the private world of Michael Jackson is quite different from what he said on that video. As the testimony and the evidence unfolds in 40

this particular case, you will learn that the stories he refers to in that video remark do not consist of children's books, but the Internet visits to sexually explicit sites, the exposure of children to suitcases, briefcases laden with sexually explicit magazines and centerfold cutouts from magazines such as Hustler and Playboy, with titles like "Barely Legal Hard-Core," "Barely Legal" and many others with far more offensive covers and cover titles.

You see, the private world of Michael Jackson reveals that instead of cookies and instead of milk, you can substitute wine, vodka, and bourbon.

Now, publicly Michael Jackson says he doesn't drink. But his private behavior and conduct is quite the opposite, as you will learn through numerous witnesses in this case.

First he's caught on film talking to Martin Bashir about wine. And he uses it and describes it as "Jesus Juice," the same exact expression that the Arvizo children told detectives in this case that Michael Jackson used in referring to red wine that he provided to them, and he referred to it as "Jesus Juice."

Former employees and security guards and maids of the defendant will tell you that he furnished alcohol, that he encouraged children to

drink, and on occasion he was actually viewed to pour drinks for children.

Several airline stewardesses will testify in this case. They work for a charter jet organization. They are the stewardesses on chartered planes chartered by the defendant in this case. And they have, in conjunction with the work that they do, a profile of information as to what to take on the plane to satisfy the people that are going to be on the plane.

They will tell you that they have not only seen -- they have not only seen the defendant drink alcohol on the planes, they have furnished it. And they have furnished it in a method and a manner exactly like the Arvizo children told detectives in this case that the defendant does; and that is, that it is put in Diet Coke or soda pop cans.

Indeed, several employees, including his long-time security guard Chris Carter, and others, will tell you that they observed children on the ranch drinking, in highly intoxicated states on a number of occasions when Jackson is on the ranch.

Security Guard Chris Carter will tell you that he observed one incident one night where he encountered Gavin Arvizo. It was late. It was dark. Gavin was intoxicated, and he wanted to get into one of the little carts, electric carts that you can use to drive around the premises. 42

Carter stopped him. He saw that Gavin was in no condition to drive. And he told him that he couldn't do that. When Carter asked the boy why he was drinking, he replied, Michael Jackson told him that he had to be a man and drink.

In another incident, Michael Jackson's personal attendant and a long-time employee, Jesus Salas, will describe taking a full bottle of wine and a full bottle of vodka on a tray into Michael Jackson's bedroom with four glasses.

And when he got into the bedroom, he saw the defendant and three children sitting on the bed.

And when he came back the next morning to clean out the bedroom, both bottles were empty, and the glasses had been used.

Another ranch employee, Kiki Fornier, is going to testify in this case. And she will tell you that on a number of occasions she saw three local Santa Ynez boys intoxicated, saw them at a time when Jackson was on the ranch and Jackson was with the boys. And she viewed this on a number of occasions.

The private world of Michael Jackson reveals that instead of bedtime discussions and children's books and discussions of Peter Pan, at the same time that this 44-year-old man is sharing with 13-year-old Gavin and 12-year-old Star and another 11-year-old boy his collection of sexually explicit 43

magazines, that he's talking to Gavin about masturbation. And he's telling him that it is normal, and that it is okay, and that everybody does it.

That each of these acts are calculated to desensitize the boy, to change his moral antenna, and to add the trust and the admiration of an adult voice to the boy's conduct to convince him that what was being done was all right in the adult world.

And it worked.

Lastly, you're going to be able to peek into the defendant's private world, and you're going to hear Gavin Arvizo describe to you his molestation.

You will hear Star Arvizo tell you how, on other occasions, he happened upon seeing Michael Jackson masturbating himself with one hand while Jackson's other hand was inserted into the underpants of his brother, Gavin.

Your Honor, I think this will probably be a good place to take the morning recess.

THE COURT: All right. We'll take a 15-minute recess.

(Recess taken.)

--o0o--

THE COURT: Mr. Sneddon. Go ahead.
MR. SNEDDON: Thank you, Your Honor.
Ladies and gentlemen, the scene for most of the events that occur in this particular case is going to be the defendant's home, Neverland Valley Ranch. And I think you'll get a very good feel for the ranch through videos that are going to be shown probably by both sides, as well as snippets of tape and footage that is shown in the Martin Bashir documentary.
But for just a moment, since probably most or none of you have an idea of what the ranch is like, I want to take you on a little visual tour of what it is.
And I want to say, first and foremost, that the ranch is something that is a beautiful thing. And it's been used for beautiful causes. For the children, the underprivileged children, for the children who have been suffering, who have been brought there to share a day or a weekend on the ranch. It's something very good.
But just like so many things in life, something very good can end up being, on another occasion, in another setting, something very bad. And several of the witnesses in this case are going to tell you that some of the young visitors at the ranch, that stay on and that visit with Mr. Jackson, and who are there on a prolonged 45

basis, begin to change because of the personality of the ranch. That it creates a no-rules, no-restriction, no-wants environment. And people who walk in there with manners walk out and can be described by some of the staff as hellions, rude, obnoxious. And what is there about Neverland that can do that to somebody.

What is there about Neverland Valley Ranch.

Well, first of all, for those of you who may not know where it is, I'll try to describe it to you briefly. It's at the foot of the Los Padres National Forest. It's about 2,800 acres. And it's about 4.5 miles from Los Olivos, or, better put, Mattei's Tavern, up Figueroa Mountain Road. It has a zoo with lots of animals. And you heard Mr. Mesereau talk about some of those animals during the questioning of some of you folks.

It has an amusement park with a ferris wheel and a merry-go-round and a lot of other rides for the enjoyment of children and adults.

It has a NASCAR-type racing track with small miniature NASCAR cars that people, even adults, can drive around the track. And it has a theater complex with a huge screen and a stage, where people can go to watch movies at any time of the day or night, with a snack bar with free popcorn, free ice cream, and free candy of just about any variety or sort that you may desire. 46

Neverland Valley Ranch, where selected guests are allowed to drive electric-powered golf carts out around the ranch's many acres into the back country on roads, paths, many times unsupervised. Complete with a two-story video arcade. Video arcade with just about every imaginable video game that you can think of, from the old traditional type to the most recent virtual reality type of video games. Two stories high, packed with these things.

The arcade also has a cellar. The cellar is hidden behind a juke box. Behind the juke box, you remove it, go down into the cellar. And in the cellar, wine and alcohol. And it's a place where special guests of Mr. Jackson are taken and they're invited into the cellar and they're treated to alcoholic beverages poured by Mr. Jackson himself.

Neverland Valley Ranch, where music is piped throughout the entire main residence area. The lawns are sprinkled with statues and figurines of kids and animals. An area that has a Disneyland-like replica train station, and a Disneyland-like replica train that takes people throughout the grounds, to the zoo, and to the amusement park, and the theater, and back to the main house residence.

The residence is complete with four guest cottages that are nestled down by two lakes that 47

form a boundary to the house.
Neverland Valley Ranch, where the main
residence has at least two rooms on the second floor
totally dedicated to every imaginable toy that a
child would ever want. Electric trains, games,
figures. Lifelike figurines of R2-D2, Darth Vader,
Superman, Batman, Daffy Duck. You name it. One
whole room devoted to dolls and dollhouses in the
main residence.
Next to the arcade and on the back side of
the house is a swimming pool and a Jacuzzi. And on
the other side is another part of the lake, a
teepee, trees to climb, tree houses. You name it.
It has everything.
Next to the main business -- main residence
is another building that's attached to it by an
arch. And in that arch, in that building, is a
security office on one end. And at the other end is
a personal office of the defendant, Michael Jackson.
In that office is a small museum with figurines, a
lot of lifelike figures in the back office, and six
large-sized plasma T.V.'s.
It's in this room that during the course of
the execution of the search warrant on November the
18th, 2003, that at least two sexually explicit
magazines were found, one teenaged themed.
Neverland Valley Ranch, where the defendant
reigns supreme in his own two-bedroom -- two-floor 48

suite. One bedroom, two-floor suite. The bottom
floor of the bedroom -- and let me take you on a
little tour, if I can, visually. You'll see it
through photographs during the course of the trial.
And let me see if I can lay the foundation for that
now.
The bottom floor is entered through -- you
walk down a hallway. And when you come into the
door, you turn to your left, you open up into the
main part of the downstairs.
And what you will see, what you did see, if
you were a visitor there at the time of the Arvizo
boys, was a room that is cluttered. It's cluttered
with figurines. It's cluttered with boxes. It's
cluttered with video games. There's a piano.
There's all kinds of things in a very small,
relatively small area. And including king and queen
chairs and figures, life-sized figures in the chairs
and at other locations in the room.
There's a piano that plays different tunes
and is electric, can be changed to different
formats.
In this room, when you walk towards the back
of it, towards what would be the back side of the
room that fronts onto the back part of the house,
you move to the right. As you move to the right,
you walk into the master bathroom. As you move into
the master bathroom, you see, at the far end of the 49

1 master bathroom, a large Jacuzzi tub.
2 It was in this room on November the 18th
3 that police officers seized at least 15 sexually
4 explicit magazines and DVDs lining the tub at the
5 time of the execution of the search warrant.
6 It's in this same room - right next to the
7 tub is a briefcase containing correspondence private
8 to the defendant in this case, Michael Jackson -
9 that two more sexually explicit magazines are found.
10 In a drawer just above that are found numerous
11 envelopes containing cards and letters and
12 correspondence from the Arvizo family. Almost all
13 of them are signed or salutated with the phrase
14 "Michael Daddy" or "Michael," and with greetings and
15 with love and admiration for the defendant in this
16 case.
17 It's actually in this room and from some of
18 the materials in this room that for the first time
19 the boys were shown sexually explicit magazines
20 during their visit to Neverland Ranch during
21 February and March of 2003.
22 And let me pause for a second and let me
23 tell you something that you will learn during the
24 testimony and the evidence in this case about the
25 defendant's master suite.
26 There will be maids, like Blanca Francia,
27 Jesus Salas, other people who are responsible for
28 serving the defendant and taking care of his private 50

premises in this house, and that is, that the defendant, Michael Jackson, was pathological about not allowing people in there without his permission. And that entrance could only be secured by those who knew the secret password and that there was an alarm that went off when anybody approached the door, to give him knowledge of people approaching.
Neverland Valley Ranch, where the defendant's bedroom is located on the second floor of this master suite. It's a bedroom that can only be accessed by one entrance and exit. Only one. As you walk through the room into another vanity type of bathroom and you turn immediately to the left, there's a stairway. And as you walk up the stairwell to the top of the stairs, there are walls on both sides until you reach about two-thirds of the way up the stairwell. At that point the right side of the wall gives way to a banister and to pedestals that are separated about 18 inches apart.
Ladies and gentlemen, it's in this room and on the bed that you see when you reach the landing and you can see through the pedestals, that the defendant, Michael Jackson, on the second occasion, opened up his Samsonite briefcase and displayed to the boys numerous sexually explicit magazines, both adult and teenaged themed.
It's on -- in this room and in this bed that 51

the defendant took a mannequin from the -- from the corner -- I forgot to tell you, when you reach the top of the bed (sic) and you look over to the far right-hand corner, there's a female mannequin. A young, 13-, 14-, 15-year-old-looking mannequin. And it's in this room and on that bed that the defendant, in the presence of these two boys, put that mannequin, put it on the bed, and began to simulate an act of sexual intercourse with this mannequin.

It's in this room and on that bed where the boys were sitting there watching T.V. one night, and all of a sudden, the defendant appears from the stairwell, absolutely stark naked, with an erection. And when the boys look at him - and Star will say he was grossed out - that the defendant says, "It's natural. It's okay. Why don't you boys do the same thing." Their response was to get up from the bed and go downstairs and pretend like they had to go to the bathroom.

It's in this room and on that bed that Gavin Arvizo was molested by the defendant in this case. And it's in this room and on that bed that Star Arvizo saw his brother Gavin molested on two separate occasions.

During the course of the execution of the search warrant in this case, at the foot of the bed was a box. And in that box, Sergeant Robel, from 52

the Santa Barbara Sheriff's Department, found 17 more sexually explicit adult and teenaged themed pornographic, sexually-themed magazines.
MR. MESEREAU: Objection.
MR. SNEDDON: And --
THE COURT: Just a moment. Grounds.
MR. MESEREAU: You ruled that term not to be used.
THE COURT: Overruled. You may proceed.
MR. SNEDDON: Sexually explicit adult magazines and sexually explicit teenaged themed. And by that, "teenaged themed," I mean, when you see them - and you will see them - it is clear that if these young ladies are 18 years old, which they're supposed to be, they sure don't look 18 years old.
Also found in his books -- in this box were 23 -- 23 '60s vintage nudist magazines whose common denominator is naked pictures of children.
As you will see from the photographs presented to you and from the testimony and the evidence of witnesses in this case, that in the room, the defendant's bed is in the center of this room. In the center of this room the bed is flanked by two nightstands on each side.
In the nightstand on the left, which was opened by Detective Zelis serving the service of the search warrant, he observed a photograph of the three Arvizo children. Next to the photograph were 53

more sexually explicit adult magazines.
The Samsonite briefcase that I described to you that was shown and laden with these materials was found by Detective Bonner downstairs in the master bedroom (sic).
Now, these materials, not only the ones from the Samsonite briefcase, but other materials found at other locations in the house, were obviously taken by the sheriff's department. And some of those materials, many of those materials, were sent to their forensic unit, and they were sent to the forensic unit for the purpose of ascertaining whether or not there were any fingerprints that could be identified with participants in this particular lawsuit.
So what they did was they attempt to find latent prints. And Sergeant Bob Spinner is going to testify in this case. Sergeant Spinner is actually retired and he was called back to do the work in this particular case.
Sergeant Spinner has been a long-time employee of the sheriff's department and has testified on numerous occasions throughout the courts in this county as an expert in fingerprint analysis. And he will tell you that the sheriff's department was able to recover from the magazines, not only the ones in the Samsonite briefcase, but others, latent prints. And it was the job and the 54

responsibility of Sergeant Spinner to look at those latent prints and to compare them with the known prints of the defendant in this case that was obtained during his arrest and booking back in December of 2002, and the known prints of the Arvizo boys which were taken by the sheriff's department in this case.

Sergeant Spinner is going to tell you ladies and gentlemen that he was able to make identifications. He was able to match the prints of the defendant in this case with the latent prints recovered from some of those magazines in that briefcase and some in other locations.

He's also going to tell you that he was able to recover the latent prints -- he was able to identify the prints of the boys, both Star and Gavin, on some of those magazines. And, in fact, he was able to find at least one magazine where the prints of the defendant and the prints of Gavin are on the same magazine.

You will also hear testimony from both Star and from Gavin that at no time since their visit to that ranch have they ever had an opportunity to touch those magazines since they left, and that includes during the time that they testified at the grand jury.

Now, moments ago, you heard the Judge read to you the charges in this case involving the lewd 55

and lascivious conduct with a child under the age of 14 and an attempt by the defendant to do the same thing, and that these molestations were accomplished during times when the child was fueled by alcohol.

You will learn from the testimony of Gavin Arvizo and Star Arvizo that these acts were acts of masturbation and acts of touching of the -- of Gavin. The Indictment covers the time period from February 20th to March the 12th. And the location of these crimes is Neverland Valley Ranch.

Now, you heard in the little pieces that I read to you other things from that Bashir video that the defendant said. You heard him say that sleeping with young boys is innocent, that it's a beautiful thing, and there's nothing sexual about it.

Ladies and gentlemen, again, the differences between his public statement and his private life could not be more different.

Through the testimony of Gavin Arvizo and Star Arvizo, you will see the molestations of Gavin. You will see it as the product of use of liberal doses of alcohol on a child with one kidney, the use of sexually explicit materials to whet the young boys' blossoming sexual awareness, and the defendant's conversations encouraging them to masturbate and describing it as normal and natural, and manipulating the trust and the loyalty bond that had been created, and the pacts of silence that you 56

will hear about in the forbidden world and the forbidden conduct.
Indeed, Gavin Arvizo will tell you that it wasn't at Neverland, the first time that he was given alcohol by the defendant in this case. The fact of the matter is, that when they were taken to Miami in February, that Gavin Arvizo was given alcohol by the defendant on that occasion.
But the truth and the fact is, that when they got back to the ranch on the 7th of February, that continuously when the defendant was there, almost every night that they were there with the defendant, the boys drank alcohol. And the fact of the matter is, they will tell you that on virtually every night in which the defendant is there, from February 17th till March 12th when they left, that they shared a bed with the defendant, Michael Jackson.
Let me pause for just a second and talk to you a little bit about Gavin Arvizo's brother, Star. Star is a year younger. He was born on December 9th of 1990. But I think one of the things that will strike you when you see Star testify in this particular case, and also when you see photographs of Star depicted of what he looked like when he was nine years old and what he looked like when he was 12 years old when he visited the ranch in the year 2002 and 2003; that Star doesn't look 57

anything like the boy in those pictures or the boy who visited the ranch at the time of these particular events.
Because what you will see is Star Arvizo walk in here, who is a 225-pound center on the freshman football team. He's a boy who's grown considerably since these events occurred. He's also a boy that has been active in the Navy Explorer unit, just like his brother Gavin.
Star Arvizo will describe to you what he saw one night. He was at the movie theater with other guests at the ranch, and his brother and the defendant were nowhere to be seen. And after the movie was over with, as was his custom, he went back to the main residence. And when he got to the residence, he walked down the hallway, he put in the code, he heard the "ding" go off of the little alarm. He walked back through the -- towards the stairwell, pushed on the door, the door was closed. The door was locked. It was latched from the top. He pushed again. The latches gave way. He went into the little bathroom and turned to his left and headed up the stairway.
Now, I described to you how those stairways work and I described to you how they open up to the right. And as he walked up those stairwells, when he got to the location where those banisters appear and the pedestals are located, and he turned to his 58

right, he was frozen. And he was frozen by what he saw. And this is what he saw:
Lying on the bed directly in front of him was the defendant, Michael Jackson. The defendant was lying on his back. He had on a shirt, underwear, and socks. Lying next to Jackson was his brother Gavin dressed in underwear and a shirt. Gavin was curled up, and Star thought he was sleeping. He wasn't moving. No motion.
What he saw at that particular point in time also was, on the nightstand directly to the right of the bed, which he had seen on numerous other occasions, were empty glasses and bottles of wine and Skyy Vodka that the three of them had shared on many occasions and were there that night.
Jackson on the left, Gavin on the right.
What he saw was Jackson's hand. He saw his left hand wrapped into the inside of Jackson's private parts, into his underwear. And he saw Jackson's left hand over the top of his brother and inside his brother's pants. And what he saw was the motion of Jackson's hand inside of his underpants rhythmically moving up and down and his body moving up and down while he masturbated with his hand under the underpants of the motionless Gavin Arvizo.
He stared for about five or ten seconds and then he ran off, and he went back into the guest cottages, and he never stayed in those bedrooms 59

again.
There was a second occasion where Star Arvizo encountered the same thing. It was about a couple of days later, to his recollection. Again, this time he thinks it was between 1 and 2 o'clock in the morning. And again, the defendant and Gavin were nowhere to be seen.
Star headed back up to the bedroom. And again, going up the stairway, and again when he turned to his right, he saw the defendant. This time things were just a little bit different. Not a lot. This time the defendant was still on the left. Gavin was still on the right. This time they were both laying on their backs. They were dressed in exactly the same way, except this time Gavin had on shorts instead of the underpants. At this time the actions were exactly the same, except that this time the defendant had his hand up underneath the pants of Gavin, and Star saw him masturbating Gavin at the same time that he was masturbating himself. And again, he ran off.
Star told no one of what he saw. He didn't tell his mother. He didn't tell his brother. And he didn't tell his sister. He told no one. The first person that Star Arvizo told about what he saw was Dr. Stanley Katz, a psychologist, who an attorney had referred the child -- the Arvizo children to see. 60

Now, let me just take a few moments to describe how this all came about.
You see, you will learn later on in my remarks here that there was a point in time where the possessions of the Arvizos were taken and put in storage and that -- at a location they knew nothing about. And when they eventually were able to get off the ranch, they were trying to get their belongings together.
And Jamie Masada, the family friend, again came to the rescue. Jamie Masada said to Janet Arvizo, "Why don't you contact my lawyer, Bill Dickerman. And why don't you ask Bill Dickerman to try to get your property back."
And you're going to see a number of correspondence between Mr. Dickerman and the attorney representing the defendant in this case, Michael Jackson, Mark Geragos, trying to get their personal property back.
You will also see correspondence indicating that one of the things that Mr. Dickerman was interested in doing was Janet Arvizo was angry, but not at the defendant. She was angry at Martin Bashir. She was angry because her boy was shown around the world without her permission. And she wanted something done about it.
Now, Dickerman, in turn, was aware of Mr. Feldman. It was Dickerman's idea to refer the 61

family to Feldman. Mr. Feldman was aware from prior litigation of his relationship with the defendant.
And it was Mr. Feldman, without any consultation from the family, who made the decision to send these children to Dr. Katz.
And it was during the course of these conversations that both Star and Gavin Arvizo, for the first time, told Dr. Katz what happened at Neverland Valley Ranch, what Star Arvizo saw the defendant do to his brother, and what Gavin Arvizo experienced and told the doctor the defendant did to him.
At no time during this period did Janet Arvizo ever request either lawyer to file any kind of a lawsuit against Michael Jackson or to pursue any litigation against Michael Jackson.
Gavin Arvizo will describe to you his sexual experiences with the defendant, Michael Jackson. He will do it here. He will do it in open court. And he will do it with the whole world watching. He will describe to you with vivid particularity the two separate occasions he was molested by the defendant, Michael Jackson.
Gavin will describe to you how he was lying on the bed next to Mr. Jackson, how he was lying there in his underwear and a shirt, in much the same way that Star had described. How Jackson asked him, Gavin Arvizo, whether he masturbated, and Gavin 62

said, "Number"
Jackson replied, "It's okay. It's normal.
Everybody does it."
Jackson then reached over and inserted his
hand up underneath Gavin's underpants. And he
proceeded to masturbate Gavin for about ten minutes
while he simultaneously masturbated himself.
The second occasion was pretty much like the
first. The barriers had been knocked down. He
again inserted his hand into the private areas of
the young boy, masturbated him while he masturbated
himself. But one thing happened on this occasion
that didn't happen on the first occasion. On this
occasion, the defendant, Michael Jackson, reached
over and he grabbed Gavin's arm, and he grabbed
Gavin's arm and he began to move it down to the area
of Jackson's private parts. Gavin Arvizo
immediately yanked his arm away, and that was the
end of the event.
Now, one of the other things that you should
know about the incidents that were described by Star
and the incidents that were described by Gavin
Arvizo from the witness stand that will be described
is that both of those incidents, all of those
incidents actually occurred after -- after the
rebuttal video at Hamid Moslehi's place that I'm
going to describe to you, and they occurred after --
after these children had been interviewed by the 63

Department of Social Services and had said that the defendant had never inappropriately touched them. And interestingly enough, they occurred after all of the preparations had been made for this family to be taken to Brazil and isolated from the media.

Ladies and gentlemen, Count 1 of this Indictment does not involve lewd and lascivious acts. Probably some of you are saying that that's a relief.

It does, however, involve the defendant, Michael Jackson. It charges him with conspiring with five named individuals, Mark Schaffel, Dieter Weizner, Ronald Konitzer, Frank Cascio, who is also known as Tyson, and Vincent Amen, who is also known as Vinnie Black.

As the Judge read to you, you now know that Indictment also includes charges that -- of the conspiracy that it was -- the objectives of the conspiracy were to extort, to falsely imprison, and to abduct the children. It specifies, as you've heard now, 28 different acts that the conspirators hoped to achieve in that conspiracy.

And as you now know and see, the central focus of those -- of those acts was to isolate and to control the Arvizo family and to keep them away from the media, and to convince them to participate in a network planned rebuttal video to be produced by the defendant and his co-conspirators. 64

Who are these co-conspirators and what are their relationships to the defendant in this case.
Well, first of all, let's start with Marc Schaffel. The testimony will be produced, there's probably no dispute about this fact, that they were long-time friends, long-time business acquaintances. Records found at Schaffel's house when a search warrant was executed showed that Schaffel was in business with the defendant in a partnership called Neverland valley Entertainment, and that Marc Schaffel was the president and was paid generously by the defendant for his partnership in that business. That, actually, the defendant had, as part of this partnership, deeded his residuals to a production that Schaffel was listed as the producer on, on a video called "What More Can I Give." Schaffel's presence in Germany with the defendant during the Bashir documentary filming, you'll see it during the video. You can see him in the background there.
Schaffel, in turn, was a partner and business adventurers with Ronald Konitzer and Dieter Weizner. And Konitzer and Weizner both being German nationals, one living in Germany and the other living in Vancouver, British Columbia. Weizner, by the way, is also captured on the video with Schaffel and Jackson during the Bashir filming in Munich, Germany. 65

Now, the Neverland Valley logs that were seized during the course of the execution of the search warrant on November 18th show that during 2002, particularly during the last part of 2002, that Dieter Weizner and Ronald Konitzer and Frank Tyson Cascio were regular visitors at the ranch of Michael Jackson.

Documents further show that at the time of the events that are right at the heart and the crux of this particular lawsuit, that the defendant, Michael Jackson, Marc Schaffel, Dieter Weizner and Ronald Konitzer were involved financially and artistically in the production of the video that was going to derail the Bashir video, a video that was going to be aired and was eventually sold to FOX network to be aired in the United States on February the 20th.

E-mails, documents, press releases from the Jackson camp and the FOX network will show that an important ingredient that was put out to the public about this rebuttal film for the 20th for FOX was the participation of the Arvizo family supporting the defendant, Michael Jackson, who was under siege. The Arvizo family participation was very important to the success of this project.

Another important step occurred during this time of the crisis created by the Bashir tape, and that was an individual by the name of Ann Gabriel. 66

Ann Gabriel will testify -- she's actually going to be one of the first witnesses who testifies in this case. Ann Gabriel runs a business called Gabriel Media and she has a specialty. Her specialty is crisis management. And in crisis management what she does is she helps people, or people who have products, that are having a bad time with the media or the public, and that's her expertise.

She was first approached about this by Jackson's lawyer, David LeGrand, in Washington D.C. even before the video was shown and just before LeGrand left Washington D.C. to fly down to Miami to be with the defendant in late January, early February, at the time the Bashir tape was about to be shown.

As a member of the Jackson team - very short-lived member, I might add - Ann Gabriel will confirm to you the hierarchy and the way that the team operates. She will confirm to you that Dieter Weizner and Ronald Konitzer and Marc Schaffel were at the top and that they were in charge of public relations; that there was another firm in England called Bell Yard, which was the equivalent of what she did. Bell Yard was the crisis management team from Great Britain dealing with the outfalls of the Bashir video over there.

And she will confirm to you of being part of conversations, conference calls, decisions involving

how to handle the furor created by the Bashir tape.
Not only that, ladies and gentlemen, we will produce witnesses in this case that will tell you that the defendant was intimately involved in the day-to-day discussions and decisions and planning of the response to the Bashir video.
Rudy Provencio was working for Marc Schaffel during this period of time. And Rudy Provencio will tell you that he was present during conversations, present when he overheard conversations involving the defendant and Marc Schaffel over all of the things that I just talked to you about.
There's also no disputing the relationship between the defendant in this case and Vinnie Cascio Tyson. Actually, Vinnie -- not Vinnie, Frank, was seen back in the 1990s, early 1990s, on film clippage traveling with Michael Jackson in Europe.
Later, he went to work for MJJ Productions, which is the headquarters for the defendant's master -- overhead headquarters, handles his business projects, at a very, very generous monthly salary.
Now, on the other hand, Vinnie Amen's only connection with these people was that he was a friend of Frank Tyson's. And Vinnie came to California with Frank Tyson. And they came there in February, and he was hired by Schaffel and he was placed in an office right next to Schaffel helping with this crisis management project. 68

The decision for the defendant to participate with Martin Bashir on a video documentary, as you will learn during the testimony and the evidence, was well thought out. It was part of a comeback that he was trying to make. And in the course of agreeing to do that, there were four segments that were filmed. It was an eight-month project. Segment filmed in Munich, Germany. There was a segment filmed in Las Vegas, Nevada. There was a segment filmed -- the last segment in Miami, Florida. And there was a segment filmed at Neverland Valley Ranch in the fall of 2002.

Now, the defendant had had -- at this point in time, in the fall of 2002, had had little or no contact with the Arvizo family for a long period of time. Even though the kids had visited the ranch with Chris Tucker during the summer, the defendant wasn't there.

So it's rather strange, but understandable, why, in the fall of 2002, the defendant, Michael Jackson, arranges to have a call made inviting the Arvizo children to come to Neverland Valley Ranch. And the plan is for Jackson to use cancer survivor Gavin Arvizo as part of his comeback attempt in the Bashir video, and to enlist him in an interview to take place on the ranch.

Understandably, the children were eager to renew their friendship and acquaintanceship with the

1 defendant in this case and agreed.
2 The mother was not invited, nor did she
3 insist that she come, and no releases for these
4 children were obtained by either Martin Bashir or
5 the defendant.
6 A limousine picked the children up at the
7 apartment, brought them to the ranch. As soon as
8 they arrived at the ranch, Gavin was taken aside
9 from the other two children by the defendant, and he
10 was taken into a small room and the door was closed,
11 and he will tell you they were there for about five
12 to ten minutes.
13 Gavin will tell you what went on inside that
14 room during that five or ten minutes. And what he
15 will tell you was that the defendant told him this
16 was like an audition. The defendant already knew
17 that Gavin wanted to be an entertainer. He said it
18 was like an audition. He didn't tell him it was
19 going on international T.V. It was an audition and
20 he told him what to say and he told him what not to
21 say. And after the rehearsal was done, they came
22 out.
23 Gavin, for his part, was then placed on a
24 couch next to the defendant. And during the course
25 of the interview that occurred, that you will see in
26 this courtroom, that's part of the reason that the
27 Bashir video backfired on the defendant in this
28 case. For in part of that video, you will see Gavin 70

Arvizo holding hands with the defendant, Gavin Arvizo affectionately putting his head on the defendant's shoulder. And the reaction, not only to people who saw it, but the reaction from Bashir, was instantaneous.

And you can see by the questions he begins to ask Jackson about his relationship not only with Gavin Arvizo but with other children, led to the questions that I read to you and to the defendant's answers in the follow-up interview in Miami, Florida.

Now, what happened was that after the filming, defendant left the ranch immediately. The children stayed around that night and then were taken home early the next morning. Between the time of the filming of that video and the time of the Martin Bashir video, there was no contact between the defendant and the family. Not a single phone call.

Marc Schaffel, through his contacts in the media, had received an advanced copy of the transcript of the Bashir documentary. And he immediately contacted Ronald Konitzer. And they immediately contacted Michael Jackson. And it was apparent to anybody who saw it that even though the video starts out in a very favorable way to the defendant, that the totality of the video was clearly not what the defendant anticipated, what he 71

expected, but it was clearly a boomerang on a comeback attempt, and they saw it as a public relations disaster.
The entire video was broadcast in England for the first time on February the 3rd of 2003 to 17 million people in Europe on a show called "Trevor McDonald."
As I said, Bashir was less than complimentary, and he expressed open disbelief and concern about Jackson's admissions and his behavior with children, both his and others.
So there will be no argument about the fact that somehow Bashir had tricked the defendant into going into this topic or somehow misled him down a path. The defendant reiterated pretty much the same statements about sleeping with young boys in a follow-up conversation with Ed Bradley on 60 Minutes, two weeks later.
Through the testimony of insider Ann Gabriel, Rudy Provencio, Ian Drew, as well as documents, computer printouts seized at Marc Schaffel's residence, you will learn how Jackson and Jackson's own employees and the co-conspirators all felt that the Bashir documentary was like a moving landslide. And if it wasn't stopped, it was going to destroy everything in its path, including Michael Jackson.
Documents weekly show that the group went 72

into a damage control environment, mentality. There are other parts of the Bashir tape that I haven't mentioned that you will see. And I'm not going to go into them in great detail, but also were of concern of the people involved in the crisis management of the situation for the defendant. There were parts -- there were parts about scenes that were taken at the Munich Zoo with the trip with the kids. There were scenes involving incidents that occurred at a hotel. There were things that occurred in Las Vegas during a spending spree and again the outfootage and takes during the Gavin Arvizo interview.

The enormity of the furor, just to give you an idea of just how big it was, looked at from the side of Michael Jackson, is that Ann Gabriel, who was hired, was asked to give an opinion on a scale of 1 to 10 how bad things were for Michael Jackson. She said it was a 25. A 25.

Christian Robinson, a writer who was hired by the Jackson's co-conspirators to do commercials and documentaries, and who actually did the interview of the Arvizo family on the 19th and 20th of February, described the "Living with Michael Jackson" as a nightmare for Jackson.

For the Arvizo family, they had no idea. They didn't receive an advanced copy of the transcript. They were not able to see the 73

1 documentary when it was shown in England. And the
2 way they found out that their children were shown on
3 this documentary was BBC reporters started coming
4 around the house and pounding on the door, and more
5 media came and then went to the schools asking for
6 interviews. And, of course, the Arvizo family had
7 no idea what was going on.
8 And the worst of it came because Gavin
9 Arvizo and the Arvizo family had never seen the
10 interview. They had never seen the context. They
11 had never seen the Miami interview. And they had
12 never seen the questions and answers with Bashir
13 about sleeping with young boys.
14 But Gavin found out in a very difficult way
15 about how his role played out in this video when
16 classmates and friends came up to him and began
17 calling him "faggot," and began calling him rude,
18 crude, sexual remarks about his relationship with
19 the defendant in this case. That's how Gavin Arvizo
20 found out about this video.
21 Further documents from the Schaffel
22 residence and e-mails that were exchanged between
23 Konitzer and Schaffel and Weizner, and other people
24 involved in this management situation, reveal that
25 the idea was -- at this point in time the primary
26 focus was to get the Arvizo family and to get them
27 isolated and sequestered and away from the media in
28 a way they would not make any statements to the 74

media, and hopefully to enlist them, as I said, in this planned pro Jackson video.
When all of this public storm hit, and when Schaffel and Konitzer got the advanced copy of the Bashir tape in late January, the defendant in this case was in Florida. And he was in the Turnberry Inn. It's not an inn, it's a resort. It's a very swanky resort, actually. They'd be very upset if I called it an inn, I guess.
He was down there with co-conspirators Dieter Weizner, Ronald Konitzer. And he summoned Frank Cascio from New Jersey, who got down there immediately and was there about the time the Arvizo family arrived.
Now, it's February the 4th of 2003, and the Martin Bashir video has already been shown in England. It's already been seen by an international audience. On February the 6th, it's going to be rebroadcast in the United States on network T.V., on ABC, on 20/20. Barbara Walters was the commentator and Bashir was a guest to narrate some of the events of the documentary.
Before that documentary was broadcast in the United States on the 6th, Michael Jackson took the initiative. It was Michael Jackson, who, on the 4th of February, who had had no contact with the Arvizo family or children since fall, set forth -- actually called his office, MJJ Productions. And there are 75

notations in Evvy Tavasci, his business manager's book, showing a request on the part of Jackson to try to locate the Arvizos and get telephone numbers so he can contact them.
There are not only the notations in the book, but the television records from the Turnberry Inn and his suite reflect those phone calls being made on the 4th. It also reflects that on the 4th, after that information is obtained, that the defendant twice tried to contact the Arvizos at Janet Arvizo's parents.
She wasn't there.
The next morning, again it's the defendant's voice who's heard in this, reasserting himself back into the life of the Arvizos. It's the defendant, as the records at the Turnberry Resort show, made a 27-minute phone call to the Arvizo family that was currently at that particular time in West Los Angeles with Major Jay Jackson, who was going to be the future husband of Janet Arvizo.
That phone call took place at 6:58 California time, 9:58 in Miami, Florida. It was Jackson who spoke to Janet Arvizo and Gavin Arvizo. And it was Jackson who told them that there were people out there who wanted to kill them, who told them that it was dangerous out there for them, and that Gavin was in danger. It was Jackson who wanted Gavin to join him in Florida. And it was Jackson 76

who told them that he wanted Gavin to participate in a press conference. And it was Jackson who told them that a strong statement supporting him, Michael Jackson, would go a long way to making these killers go away.

Janet Arvizo refused. She wasn't going to let her boy fly on a plane all by himself to Miami, Florida. She refused. And there were arguments between Jackson and Janet Arvizo. And it finally was settled. Gavin Arvizo would go to Florida. But he would only go to Florida with his mother, and his brother, and his sister. Jackson was upset and he was angered, but he had to agree, because he needed Gavin in Florida.

Their airline records reflect they were made by MJJ Productions and through the travel agency characteristically and uniformly used by MJJ Productions to make reservations for this family to fly to Miami in the afternoon of the 5th, the very same morning, by the way, that the phone call was made. They were scheduled to leave out of Los Angeles Airport at two o'clock in the afternoon.

The flight never occurred. And the reason it didn't occur was because Chris Tucker, who was also planning a trip to Miami on a chartered jet, it was arranged the children would go with Chris Tucker later that night. And that was, in fact, what happened. 77

So on the night of February 5th, on the night of February 5th, the night before the 20/20 viewing, this family is on a chartered jet with entertainer Chris Tucker and his family flying to Miami, Florida. And they get there. It's probably after midnight by the time they get there, and they land at the Miami airport, and they're picked up by a limousine and they're taken to the Turnberry Resort. And they were put up in, what would be by any standards, a very, very nice room. But it's late. And after some conversations with Chris Tucker, they all go to bed. Everybody sleeps in until the next morning.

But, you see, the plan is working perfectly, because the family is now there, they're now under their control, and they're now isolated from the media and the public.

Now for a description for you about what happened in the next couple of days about the control and the attempts to convince the family to participate in the video.

Again, it is Michael Jackson's voice that is heard first and foremost in this attempt. On the 6th, when everybody got up, they went upstairs, and Jackson's suite was right above the room occupied by the Arvizo family. And they went into the room. It's a large room. It's the presidential suite. There was plenty of room and plenty of people there. 78

In fact, they were introduced to Ronald Konitzer and Dieter Weizner, who were also in the room. And by that time, Frank Cascio Tyson are also in the room, along with his brother and his sister.
It's at this point that the defendant, Michael Jackson, introduces Ronald Konitzer and Dieter Weizner to Janet Arvizo. And it is the defendant, Michael Jackson, who instructs Janet Arvizo to "Do everything that Ronald and Dieter tell you to do." It is Jackson who concludes by saying to Janet Arvizo, "These are the ones that are going to make the threats go away."
It was for that reason, trusting the defendant and trusting what he said, that Janet Arvizo agreed to the request by Weizner and Konitzer to sign two blank pieces of paper with her signature, one on the 6th and one on the 7th before they left.
Unbeknownst to her, and without her permission, that blank signature on the bottom of that page ended up having a typed part at the top saying that she authorized and joined in Michael Jackson's lawsuit or complaint to the British Standards Commission against Bashir. She had never been consulted on that and had never agreed to have her signature used in that capacity.
There was some other significant events that occurred on the day of the 6th and just before the 79

evening of the 20/20 broadcast. It's clear from the testimony of a number of different people who will testify in this lawsuit that Michael Jackson was adamant about one thing: He was adamant that no one was going to watch the "Living with Michael Jackson" broadcast that night. They were prohibited. And they didn't. Except that at one point in time, Janet Arvizo decided she'd like to see it, and she went down to her room.

When they found out that she had left, they sent somebody down to get her, and brought her back up to Jackson's room so she couldn't see the documentary.

Another thing happened on the 6th. It was the beginning of the efforts by the people who would make this thing go away, Konitzer and Weizner, to convince Janet to participate in the rebuttal and to say nice things about Jackson.

And there's no coincidence that the same people who were involved in these efforts in Miami, you will learn in a few moments, or a few minutes, to be candid, that these are the same people involved in the attempts, once they're at Neverland Ranch, to get the same interview, and the same remarks, and the same support for Michael Jackson.

It began in Miami, but they weren't making any progress.

Konitzer and Weizner echoed the same words, 80

almost word for word, that Michael Jackson said about there being threats, only this time they expanded the threat not only from Gavin, but to the entire family.

One of the other things that happened was during the time that they were in Miami, they released a press release quoting Janet Arvizo attacking Bashir and supporting the defendant. Janet Arvizo will tell you she never was asked about that press release. She never gave authority and knew nothing about it. Ian Drew, another member of this, that was hired by the co-conspirators, who is also involved in production of videos, an interviewer of some note, will tell you that he was contacted while he was in Miami during the time everybody was there on the 6th and 7th. He was contacted by Weizner, and he was contacted by Konitzer and particularly Weizner. And Weizner told him, "Call Marc Schaffel. We want you to be a part of this network broadcast program as one of the interviewers," and that the Arvizo family was to be one of the key parts of it.

Ladies and gentlemen, there's another thing that happened in Miami, and this is where the attempts by the co-conspirators to enlist the support of the Arvizo family, to isolate them and to control them, converged with the infatuation of the defendant with Gavin Arvizo. 81

1 And you will learn that in addition to
2 having Gavin Arvizo come to Miami, Florida, that on
3 the day of the 6th, almost immediately when Gavin
4 was in the presidential suite, that Jackson beckoned
5 him, beckoned him to come back in his room. And he
6 closed the door, and he began to reacquaint himself
7 with Jackson, between Jackson and Gavin, and they
8 were having conversations.
9 And he talked, and he remembered that Gavin
10 wanted to be an -- in entertainment. And he said,
11 "Why don't we pretend like this is an audition. And
12 why don't we do this: Why don't we have a cussing
13 contest, and we'll use cuss words. I'll use a cuss
14 word, you use a cuss word. We'll just go back and
15 forth. You pretend like it's an audition," and he
16 did.
17 Well, the cuss words escalated until they
18 involved very sexually graphic cuss words that I'm
19 sure all of you have heard on a number of occasions,
20 on the playground or the gym, or other places.
21 It was interrupted when one of the nannies
22 walked into the room. It was the first step in
23 desensitizing the boy. It was the first step in
24 introducing him again to the no-rules,
25 no-restrictions and no-wants world of the defendant
26 and Neverland Ranch.
27 In addition to this, it was on this occasion
28 and on this day and in that room that the defendant 82

later took Gavin Arvizo aside and brought him into the room and offered him wine, wine that the defendant was drinking out of a Diet Coke can. Gavin Arvizo will tell you that when he woke up the next morning, he had a stomachache and he had a headache. Doesn't that sound familiar. And his brothers and sisters will tell you on that particular night, on the 6th, that Gavin was acting very weird. He was acting out of character, and he was very talkative.

Other things that happened during the next few days to cement this relationship were further furnishing of alcohol to not only Gavin, but to Star. And in the attempt to create this trust bond between the defendant and this child, who already, and had in the past, referred to him as "Daddy," and "Daddy Michael," he gave him presents. He gave him his jacket. He gave him a watch that was purportedly worth $75,000, which it wasn't. And it was cemented through other acts of kindness and generosity on his part to the child and to the child's family.

On the following day, everybody left Turnberry. So we're now, from the point where the video was shown for the first time on the 3rd, it was shown in America on the 6th, and it's now the morning of the 7th, and we're still at The Turnberry. And there's one final last thing that

happened. Chris Tucker had arranged that the ladies, meaning Davallin Arvizo and Janet Arvizo, were taken down to the salon and were able to have a pedicure. And these boys, who were at this time 12 and 13 years old, were taken in and were given a massage. Having pedicured them and massaged them, they were told to pack and that they were leaving and they were taken to the airport.
And when they got to the airport, there was one final problem: Janet Arvizo was told she was not to be on the chartered jet taking the family back to California. She was to take a flight the next day.
I don't think it takes a whole lot of imagination to figure what your reaction would be to that, or what her reaction to that was. "It ain't going to happen." And it didn't happen.
So eventually one of the bodyguards had to get off the charter flight, Janet Arvizo was on it, and the flight left Miami.
Now, the flight itself was highlighted by a number of events. It was highlighted by the fact that there was more drinking. The stewardesses will tell you unequivocally, without hesitation and without contradiction, that on that flight with these boys, that she served alcohol in those cans full of wine. And the boys drank, especially Gavin.
They will also tell you it was during this 84

time that the defendant, as both the brother and the sister will tell you, would lean over and whisper in Gavin's ear, and Gavin would lean over and whisper in the defendant's ear, like a conspiracy. And that at one point in time after the leaning over and the whispering in each ear, the defendant gave him the jacket. And on another occasion, he gave him the watch.

And Gavin will tell you what all that was about was the defendant swearing him to secrecy not to tell anybody about the wine. The presents were, in effect, a bribe for that secrecy.

They'll tell you at least two other incidents during the time of the call -- during the time of this flight back to Neverland -- and by the way, I didn't say it, but I should, should tell you who else was on that plane. There were two other children, the brother and sister of Frank Tyson Cascio. There were nannies. There were Michael Jackson's children. And there was a physician by the name of Al-Farschian who was also on that flight.

During the flight, after the kids had consumed the alcoholic beverages, the defendant and Gavin began to make crank calls using the plane's telephone system. They would call people, just at random numbers, and make various crass and crude remarks and then hang up. That happened. 85

On another occasion during the flight, after Gavin had gone to sleep and put his head on Jackson's shoulder, both the mother and the brother observed Jackson to be caressing the face of Gavin Arvizo with his hands and to reach over and to lick his forehead with his tongue. They will tell you that they thought that at that point in time Jackson was also intoxicated.

The plane landed in Santa Barbara. Michael Jackson's chartered plane landed in Santa Barbara. It didn't take the family back to their home. A limousine was there, and the limousine took them to Michael Jackson's secluded and isolated ranch, not back to the apartment on Soto Street. There was never a press conference held in Miami. None. Zero.

Once at Neverland Ranch, the experiences of the mother and the daughter and the two Arvizo boys were quite different. And they couldn't be more contrasting. For the boys, there was no school. There was no homework. They had free rein at Neverland. The arcade, the cars, the amusement park, the theater, the toys. They, in effect, had the undivided attention of Michael Jackson. They slept in his bed. They enjoyed his wine, enjoyed his magazines that I've described previously, and they dominated his attention.

And I don't think it takes a whole lot of 86

imagination for you, or for anybody else in this world, to imagine that for young 12- and 13-year-old boys, it just doesn't get much better than that.

Meanwhile, Janet Arvizo and Davallin Arvizo, their experiences were quite different.

Now, let me pause for just a second and just give you a quick bio about Davallin Arvizo.

Davallin is the older sister of these two boys, and the first child of Janet Arvizo. Davallin, at the time of these events, was approximately 14 or 15 years old, and she was a high school student at Monte Vista High School in El Monte.

Now, Davallin now will tell you that she has graduated from high school. And that also at the time of these events back in the summer when some of the events were going on, that she was a member of the Los Angeles Police Department Academy, because she wants to be a forensic scientist, crime scene investigator, and that she's taking classes in that regard right now at City College and maintaining a full-time job.

Davallin and Janet Arvizo were placed in the guest cottages that I described to you. Janet will tell you, Janet Arvizo, that she rarely, if ever, left the guest cottage. That will be confirmed not only by her children, but by the ranch employees. Janet became a recluse. She didn't leave the cottage on hardly any occasion. 87

Davallin, for her part, rarely saw the boys. They were off with Jackson, and it was a boys' thing and girls weren't invited. And they made it very clear that she wasn't to be invited. On the one occasion that she was brought into -- she was able to follow the boys into Jackson's bedroom, she'll describe to you that incident and how eventually she had to leave, because it became very uncomfortable and very obvious that they did not want her around. She was a girl.

She'll tell you how this family that was so close and had bonded so much together because of the adversity that they had felt and experienced through so many things with their family, with their father, with the divorce, with the sex -- with the physical abuse of the father that was on both the children and on the mother that they witnessed and experienced, they were a close family. And she could see the boys being pulled apart and that she was no longer a part of their world.

At the same time now this family is at Neverland. This is the 7th, the 8th, the 9th, the 10th, the 11th and the 12th of February. At the same time, the co-conspirators begin to travel to California, they begin to travel to Los Angeles, and they begin to travel to Neverland Ranch. The first to arrive is Dieter Weizner. He arrives on the 8th. 88

He flies into LAX from Miami and he immediately goes to the ranch. And the ranch logs confirm that he's on the ranch, and he's there for days.
On the 10th, Ronald Konitzer from Vancouver, and Frank Tyson and Vinnie Amen arrive almost within like three or four minutes. Konitzer goes to the ranch. Tyson and Vinnie originally go to Schaffel's place. Vinnie Amen is put to work. He's hired. He's on the payroll for the conspirators.
Meanwhile, some other things are happening. And what's happening is we're now at the point in time, ladies and gentlemen, where the 20/20 program has occurred. We're now at the program where the Jackson team is planning the network production that was sold eventually to FOX T.V. for $3 million to be aired on the 20th. Now, between that period and the 20th of February, the crisis continues to get worse, not better. And not because of Bashir or the documentary.
What happens is kind of the things that Mr. Mesereau talked about in his statements to you during voir dire. The media sees the hot topic. CBS, not to be outdone by ABC, has an Ed Bradley program and an interview with the defendant. NBC, not to be outdone by either one of them, has a program called Dateline, which is another very, very bad piece about the defendant.
At the same time as that's going on during 89

this two-week period, a website called smokinggun.com decides to publish documents involving some litigation involving the defendant --
MR. MESEREAU: Objection.
THE COURT: Sustained.
MR. SNEDDON: I'm sorry.
THE COURT: Sustained.
MR. SNEDDON: It's about this time that Ann Gabriel is added to the team and about this time she begins to participate in conference calls with Schaffel, Konitzer, Mark Geragos, David LeGrand, and other people associated with this, the events that occurred here.
The other thing that was found during the course of the search warrant at Marc Schaffel's residence is the fact that I spoke to you about the FOX film that was going to be shown on the 20th. There are clearly documents which reflect the fact that the defendant in this case, Michael Jackson, was in partners with Marc Schaffel, Dieter Weizner, Ronald Konitzer in this production and the distribution of the shares of the moneys from that production.
There's another thing that the testimony and the evidence is going to show in this case that was different between the experiences of the boys, who were spending their time with Michael Jackson, and Janet Arvizo. During this time period, from the 7th 90

1 of February till the 12th of February, Ronald
2 Konitzer and Dieter Weizner were trying to convince
3 Janet Arvizo to participate in the promised footage
4 for the February 20th production. We know this not
5 only from e-mails and records and documents, but we
6 know it from Michael Jackson's own personal
7 videographer, Hamid Moslehi.
8 The fact of the matter is, they attempted to
9 try to encourage her, much as they did in Miami.
10 And then it became quite confrontational. They had
11 scripts that they showed her. They tried to
12 convince her to participate, and she would not.
13 They told her that people went out to the school,
14 that they were in danger, and people were looking
15 for the children at the school. They went out and
16 said that these were the only people who could
17 protect them from these fictitious killers or people
18 who were threatening throughout the community and
19 that they needed to stay at the ranch to be isolated
20 from that danger. As I said, they were presented
21 with scripts.
22 Now, you don't need, and you will not have
23 to take the word of the Arvizo family that the
24 eventual interview that took place on the 19th and
25 20th was scripted.
26 You will hear testimony from Christopher
27 Robinson -- Christian Robinson that, in fact, he
28 worked on the script with Schaffel and a lawyer, and 91

that others saw the script and heard the conversations over the telephone, including Rudy Provencio. And Janet was refusing to participate. On one day things came to a crisis and Dieter Weizner asked that Gavin Arvizo give him the watch back. He said they would put it in a safe place, they would keep it for him, and they would give it back to him later. They gave no reason for wanting to get the watch all of a sudden.
Gavin refused. And Janet Arvizo refused.
And things became so tense that the family was going to attempt to try to leave the ranch.
Now, this is probably a very good time to talk a little bit about the person you've heard so much about, and the person that I can tell you probably unequivocally will be on the witness stand in this case up there for a number of days during this trial. It's the mother of Gavin Arvizo and Star Arvizo and Davallin Arvizo, Janet.
And let me tell you a little bit about what I think that the testimony and the evidence in this case is going to disclose about Janet Arvizo. She was married at 16. She had three children by the time she was 21. She was in a violently abusive, physically abusive relationship with her husband for 16 years. Not only physically abusive to her but to her children when they'd try to come to her defense. 92

I think you will see, through the testimony and the evidence presented here, that she presents as someone who's somewhat insecure, somewhat dependent, easily influenced, and at times can be adamant and quite emotional and determined. Heavily religious, and personally overly affectionate.
I think you will see and get a sense of Janet Arvizo from the tape-recorded conversations not only with Frank Tyson, but a later conversation I'll discuss with you in a few moments by a private investigator hired by the Jackson camp, Brad Miller.
That she speaks fondly of love and affection, that she desperately wants to be loved and her family to be loved, and to be part of a family that they weren't able to have because of the fact that there was no father in the particular family at this time.
That she's taught her children to do something which, to a lot of people, kind of sets them off, and that is that when they greet you, instead of giving you their hand, they like to hug you and say they're glad to meet you. Some people are not used to, on a first occasion or encounter, to that kind of a greeting. But that's the kind of person that Janet Arvizo is and that's the kind of things that she instills in her family.
The testimony and the evidence in this case will show you, like virtually every one of us in our 93

life, that she's made mistakes, that she's done things that were wrong. The testimony will show in this particular case that, in fact, on one occasion during the lawsuit that she lied in a deposition. She was asked whether her husband ever beat her, and she lied. Because she knew at that point in time nobody knew it except for her and the children. And that if she had to admit the truth, she most certainly would get another beating. She lied under oath.

It's true also that she obtained welfare funds when she wasn't entitled to them. She's going to tell you that, and she's going to admit that. It's not a large amount of money. But she did it. And it was wrong. And she knows it was wrong. She's not a person, as you will see from the testimony and the evidence in this case, that made necessarily the kinds of decisions that you, or you, or you would have made during the facts or circumstances of this case. But none of us can put ourself in her place.

But we're going to help you -- we're going to help you in that respect, by having an expert come in and testify to you to what it's like to be a person -- to be in a relationship that's abusive for 16 years, and how that affects their judgment system and the reaction to certain things.

MR. MESEREAU: Objection. 94

THE COURT: Sustained.
MR. SNEDDON: Judge, you approved that.
THE COURT: No, I didn't. I haven't ruled on it.
MR. SNEDDON: I think one of the things that also will be shown throughout this trial about Janet Arvizo is that on these same tapes that I referred to with Frank Tyson and Vinnie Amen, that she, without hesitation, over and over and over again during the events and the times that these things happened, expressed open admiration for the defendant, open love for the defendant and appreciation for what the defendant had done for the family; that she trusted him; that she loved him in that kind of a respectful way.
She never talked about suing Michael Jackson. And she will tell you today on the witness stand here that even though her attitude towards Michael Jackson is no longer loving and no longer respectful, or no longer does she feel him the father figure in her life, that she's bitter about what happened, she will tell you that she wants not one penny from the defendant in this case. She will tell you, "I do not want the devil's money."
As I told you, the situation degenerated pretty badly. And on the 12th, Janet Arvizo went up to Jesus Salas and, speaking in Spanish between the two of them, she asked Salas if she could take them, 95

the family, from the ranch. And he said, "Yes."
She had asked to leave before, but was
denied by Dieter and Ronald the ability to leave.
Jesus grabs a car and takes them down to Los
Angeles. It isn't until the following morning that
the co-conspirators and Michael Jackson learn that
the Arvizo family has fled the ranch. And the
second explosion occurs within the Jackson camp.
Ann Gabriel will tell you about a
conversation early in the morning that she received
by an agitated and concerned Marc Schaffel about the
fact that he described the Arvizo's flight from the
ranch as a disaster.
She will later tell you about a second
conversation where Schaffel called and was much
relieved to say that the situation -- that they had
contained the situation.
You will soon learn, after we take -- I
think, Your Honor, we're going to take a break at
11:30; is that correct.
THE COURT: Correct.
MR. SNEDDON: -- after the break, just
exactly what it meant to have the situation
"contained."
But let me tell you that the evidence that
will be presented in this case through the telephone
records that have been subpoenaed and obtained
through search warrants will show you that the lines 96

burned off their hooks between the co-conspirators, Michael Jackson, Neverland Ranch, and some of the parties involved in the conspiracy.
THE COURT: All right. We'll take our 11:30 break.
(Recess taken.)
THE COURT: Mr. Sneddon.
MR. SNEDDON: We're now at that point in time where the Arvizo family is off of the Neverland Valley Ranch premises. And they're at, originally, their grandparents, where they were taken by Jesus Salas. And then eventually Janet Arvizo and the boys end up over at Major Jay Jackson's apartment in West Los Angeles.
The first contact between the co-conspirators and Janet Arvizo in their attempts to get the Arvizo family to come back to the ranch occurred in the early morning hours of the 13th out here and the 14th in New Jersey. And they occurred between Frank Tyson Cascio and Janet Arvizo. And there were three calls that were placed at right around 1:45 a.m., Eastern Standard Time.
Between that call on that date and that time and February 17th, when the Arvizo family finally returned to Neverland Valley Ranch, there were over 40 telephone calls between Janet Arvizo and Frank Tyson Cascio, with Cascio trying to convince Janet Arvizo to return to the ranch. 97

Now, there is one particular conversation that probably will be of interest to you. And the reason that we can provide this information to you was that it was a tape that was found in Private Investigator Brad Miller's office when the sheriff's department executed a search warrant. And it is obviously a surreptitiously tape-recorded conversation between Frank Tyson, on one end, who is in New Jersey at this point in time, and Janet Arvizo, who is in Los Angeles at this point in time, and the family, who is not on the ranch at this particular point in time.

The conversation lasted approximately 19 minutes. And I'm not going to go into the whole conversation itself, because you will hear it played here in the courtroom and you can make of it what you want. But the highlights of that conversation, I believe, are as follows:

Frank Tyson acknowledges the high pressure and threatening tactics of Dieter Weizner and Ronald Konitzer over and over again on this tape. Janet Arvizo is heard to complain about those two individuals. And Frank Tyson is over and over again heard to say, "They're businessmen. They're businessmen. They don't know about family. Don't take it that way."

Tyson promises Janet, and he promises Gavin, when Gavin complains about these two individuals, he 98

promises that if they come back to the ranch, that neither one of them will be there. In fact, he goes farther than that. He says, "They're already gone, and you won't have to deal with them, so please come back to the ranch, Janet."

The third part of the conversation you will hear, that he is so willing and working so hard to try to get Janet back to the ranch during this conversation, that when he asks her what she's going to do this weekend, and she says, "I'm going to go to church," he says to her, "Oh, whoa, come back to the ranch. I'll take you to church here in Santa Ynez." He's in New Jersey, and he's telling her that.

Tyson implores Janet Arvizo to do the video. "Do the video and say beautiful things about Michael Jackson." He reiterates the scare tactics that we've heard from Miami and from the ranch, from Dieter and from Michael Jackson, from Ronald Konitzer; that it's dangerous out there for the family to be away from the ranch; that there are evil people out there; and only they and only the ranch can protect them. "Come back to the ranch."

He expresses to Janet, on behalf of Jackson, how much Jackson misses them, how much he feels that they're family, how much Jackson loves them and how much Michael Jackson wants this family back on the ranch. You betcha. 99

He goes further than that. He reminds Janet Arvizo that when the tape is done, the tape they want, that there will be a trip to Brazil, and there will be pleasure for everyone. And that Michael Jackson, the defendant in this case, will join them there.

Well, it doesn't work. She's not convinced.

But they are persistent. There are more calls.

There are 21 calls between Michael Tyson and the other co-conspirators, including Marc Schaffel. And between Tyson and Brad Miller, there's another 15.

And there's numerous calls between Schaffel and the ranch, and the ranch and other people involved in this conspiracy.

That the defendant is actively involved in this counteroffensive. I think I've mentioned to you already the testimony of Rudy Provencio about him being present during conversations between Marc Schaffel and the defendant.

There are other indications of that. The fact that the defendant himself was the one who called his ex-wife and surrogate mother to his children, Debbie Rowe. And it was Michael Jackson that asked Debbie Rowe to participate in part of the FOX network interview.

Chris Carter, Jackson's own security guard, and Davallin Arvizo will tell you that during this period of time, often they observed the defendant, 100

Michael Jackson, Dieter Weizner and Ronald Konitzer huddled up in meetings in Michael Jackson's office. And that this was a consistent thing that was going on during this period of time when the crisis was raging uncontrolled.

Debbie Rowe will testify to some interesting evidence in this case. She's going to tell you that her interview was also scripted, only a little bit different from the Arvizos, because they took her upstairs and did a complete rehearsal before they ever brought her down to be interviewed. And when she's doing the interview, when they didn't like her answers, they would stop the tape and they would tell her how to answer that.

If you don't believe Debbie Rowe, you don't have to, because her attorney, who was present during the entire time, is going to testify that that's exactly what they did. They scripted that interview, just like they scripted the Arvizo interview.

As part of the attempt to get Janet back to the ranch and part of the attempts to provide statements from the Arvizo family, Private Detective Brad Miller was sent over to the Arvizos' house on the 16th. This is now Sunday. And she is -- and he is let into the house by the Arvizos, because Frank Tyson has told them that he's coming.

When he arrives, he has a cell phone, and he 101

has Frank Tyson on the phone. And Frank convinces Janet to give him a statement. You'll hear that. Because that statement is also on a tape that was seized during the search warrant of his office. It's kind of an interesting conversation, because what you'll see and what you'll hear from experts that are going to be called, when that tape was sent out to be examined by experts, that that tape has all kinds of blanks in it, and that it was edited, and that it was stopped and it was started, which is entirely consistent exactly with what the Arvizo family will tell you. When Brad Miller didn't like an answer, he would stop it, he would erase it, he would go back, and he would tell them what to say.

It's now been what must seem like an eternity to you, but it's only been two weeks in the life of the Arvizo family, because it's the 17th. And -- but the school officials are getting very antsy. They're also getting pressure by the media. "What are you doing about this. What are you doing about this."

So the principal of John Burroughs Middle School, where the Arvizo boys were students, contacts the Los Angeles Department of Child & Family Services and lodges a complaint and asks them to look into the allegations of whether Janet Arvizo is a fit mother and what -- what is the nature of 102

their relationship between the defendant in this case and the Arvizo boys.
On the 17th, the social workers from that department called up Mrs. Arvizo and said that they wanted a meeting, and they wanted to see the boys and the family. And the meeting was set for Thursday, and it was set for the 20th.
Shortly after that, one of Michael Jackson's employees picks up the Arvizo family. She's finally decided to go back to the ranch. They take her back to the ranch. And when she gets to the ranch that evening, she gets out of the car, and who do you think she sees. Dieter Weizner and Ronald Konitzer. She's been deceived. She's angry. She's upset. She insists that they want to go home. They don't want to be at the ranch. They don't want to be around these people and they want to leave. And Weizner and Konitzer tell her flat out, "You can go wherever you want, but your children are not leaving this ranch."
And that's what happened. Security Guard Chris Carter then took her in one of the ranch vehicles back to Los Angeles and back to Jay Jackson -- Major Jackson 's apartment. And he will describe to you the trip. And he'll tell you that Janet was upset, that she was crying. She had her head down, and she was praying almost the entire way to Los Angeles. 103

During the time that the mother is in the car being transported back to Los Angeles, of course the boys gravitate right back to the defendant, Michael Jackson. They begin drinking. They begin sleeping in his bed.
For Davallin, it becomes an isolation now. She's the only woman on the ranch and she's by herself in one of the guest cottages.
What happens next is, when Janet gets back home, she then calls, a few days later, Frank Tyson Cascio and says to him, "I need the boys and Davallin for the meeting with the social workers on Thursday, the 20th." And it's at this point in time that the conversation occurs that I referenced earlier this morning. "No children; no video. Give us the video; we'll give you the children." She agrees. And that's when the video is done.
Now, let me talk to you a little bit about the video itself. Shortly before the children -- now, you have to understand the children are at the ranch, and she's in West Los Angeles. And shortly before Hamid takes them to his house in Calabasas for the filming, they are brought into the residence and one last time Dieter Weizner shows them a script, a written script, and tells them what they have to say about Michael Jackson, the good things that need to be said about Michael. They're told -- Janet is told by Tyson that

if the family does a really good job in the interview, and if they do a really good job in talking to the social workers, that the family can leave the ranch. "Do a really good job."

All right. So what happens.

They do the video. And you're going to see the video. And let me tell you a little bit about the video right now. There are parts of the video that you can see are over the top. You will see Janet Arvizo and the children, particularly Gavin, very flattering, very bubbly, very out of character for the situation they're in. You will see the children say things about Michael Jackson that they will tell you are lies, that are not true. They will tell you that they said on the video that Michael Jackson -- that they had his phone number at all times and could contact him any day or night. They'll tell you that's not true, they didn't have his phone number, and hadn't had his phone number for a long, long, long time. They'll tell you that's a lie.

That Michael Jackson helped them do their homework. They never did any homework when they were there. In fact, their books were found, during the search warrant, up in a video room which is adjacent to the house. They never did any homework, much less have Michael Jackson help them with it.

They will tell you that Michael Jackson 105

never really helped Gavin with his cancer. That, in fact, Michael Jackson, after a short time period, had had very little contact with Gavin during his fight with cancer.
In the beginning he was and did support Gavin. But in the later months, he wasn't around. He'll tell you that's a lie.
What is the truth, though, is that both -- at least insofar as Janet Arvizo is concerned, but at least insofar as Gavin was concerned especially, that Gavin's statements on that video probably express his feelings towards Michael Jackson at this particular point in life.
And exemplary of that is the fact that you will hear that what happened when they left the ranch on the 12th and they got to their grandparents' house, that he blew up, that he threw a tantrum, that he raged, that he didn't want to be there, and he wanted to be back on the ranch, and he wanted to be with Michael Jackson.
That was his attitude. And that was the pervasive effect of the defendant on this child of 13.
As I told you before, the video was completed sometime in the early morning hours of the 20th. We're now at February 20th. We're now taking these children over to the residence of Major Jay Jackson and we're now talking about a fact that the 106

social workers are going to be there on the 20th.
Let me tell you what happens on the morning
of the 20th at this apartment.
First of all, before the social workers show
up, one of the first people who arrived is a
security guard named Asaf Vilchic. Big, hulking
guy. And he's there to represent the Jackson team.
And he's identified as a security guard. He's
really there to make sure what happens. Also in the
room at that time are some friends of the Arvizos.
Actually Chris Tucker's girlfriend, who Miss Arvizo
calls and asks to come over for support.
There is a period of time in the room where
the security guard tells Janet Arvizo that he wants
the interview tape-recorded, and asks her to hide
the tape on her person, and goes farther than that,
and he tells her, "Don't turn it off, because
there's another one in the room and we're going to
hear what went on anyhow."
And you're going to hear parts of that tape.
Not very much. Enough to confirm and to corroborate
what Janet Arvizo tells you about what happened in
that room, and tells you about that investigator,
and tells you about that tape-recorder.
Now, the social workers arrive, and they're
ready for their interview. And at that point,
they're introduced to this private investigator,
who's there on behalf of Michael Jackson. And they 107

say to the people who are there, "All of you folks have to leave, except for the family and the mother."
And Janet Arvizo says, "No, no, I want them to stay." And the social workers say no, because that's what she was told to say beforehand.
Now, they're told to leave and they do leave, and then the interview proceeds. But before the interview proceeds, there's a disk, a DVD, and it's a DVD of when Gavin Arvizo visited Michael Jackson back in the year 2000. And you'll see that DVD. I'll play that DVD and you'll see what Gavin looked like at that time. And it's not a pretty sight. He was in the ravages of his cancer, full-blown, at that particular point in time.
The social workers begin their conversations with the family. And there are two aspects to the conversation. The first aspect is simply for them to determine whether these kids are being cared for properly by the mother in this case, Janet Arvizo.
That is put to rest almost immediately. I mean, these are social workers from Los Angeles. They see that these kids are well kept. There's no bruises, there's no scars. They're articulate. They're satisfied. And they write that in their report. "Well taken care of. Fit mother."
And then they get to the part where they ask about what happens at Neverland Ranch and they ask 108

about the kids' relationship with Michael Jackson.
And the family repeats a lot of the things that were said during the video the night before, but they add some things to it this time, because now for the first time they're asked to give explanations for why the boys would be sleeping with Michael Jackson in his bedroom and in his bed that were never asked on the tape the night before.
Now, for their part, the Department of Social Services workers apparently were not alarmed by the fact that there was an investigator there, and nor were they alarmed by the fact that when the children spoke, they spoke almost the same exact words each time in describing Michael Jackson.
But then what happened was the addition of this information that dealt specifically with the inappropriate conduct. And here's where the family added some things that were pretty preposterous, if you know anything about the way Neverland Valley Ranch operates, and they could have been objectively determined to be not true, like the logs and the employees of that particular ranch.
Statements by the family were the children were never alone with Mr. Jackson. There was always an adult with them. The children never shared a bed with Michael Jackson. Mrs. Arvizo specifically told the social workers she was usually up walking around the house all night. Not only was she not walking 109

around the house, she was never in the house. She was in a guest cottage. And the Neverland Valley Ranch logs show that.

Gavin Arvizo stated that his mother went in and out of Jackson's bedroom all the time and was always around to know what was going on. And Janet Arvizo, in fact, has never been in Jackson's bedroom, ever. Both Star and Gavin deny ever sleeping in Jackson's bed with Jackson or ever having any inappropriate contact with him. Star added to this, that his mother was always present in Michael Jackson's bedroom.

Davallin Arvizo, for her part, added that she stayed in the house and that she had a friend of hers from school staying there in the main house in a room down the hall, and that her mother always knew what was going on.

Well, as I said, the Neverland Ranch records and the employees who were Jackson employees, by the way, will confirm that the truth, like so many things in this case, is quite different.

The truth is that they never stayed in the house. The truth is that Janet Arvizo rarely left the guest cottage, much less walked around the house at night. And the truth is both Janet Arvizo and Davallin rarely saw the boys, because they were with Michael Jackson. And the truth is that Janet Arvizo was off the ranch between the 17th and the 20th, and 110

between the 10th and the 12th of March. And the truth is that the boys will testify that they were constantly spending the night in Michael Jackson's bed, and Davallin will tell you they were not staying in the guest cottage.
After the social workers left, the children got in the car, and they were taken back to Neverland Ranch. And Mrs. Arvizo was with Vinnie Amen. And Vinnie Amen placed a call to Frank Tyson to find out whether the video was acceptable and whether the interview with the social workers was okay. And she was told no, it wasn't enough. It wasn't good enough. "And now you folks are going to Brazil."
Well, on the very day, the 20th, records will show that Vinnie Amen took Janet Arvizo to Norwalk to get duplicates of birth certificates, and pay the money for that and pay for the expedited process of that. Those certificates, birth certificates, were picked up on the 20th.
Detective Craig Bonner of the Santa Barbara Sheriff's Department is going to testify in this case, and he's going to tell you about being present during the execution of the search warrant at Marc Schaffel's. And he's going to tell you about what he found there. And he's going to tell you that he found a black binder. And in that black binder, he found information about the -- and this is not me -- 111

this is the Arvizo "vacation," in quotes, expenses. There's also a floppy disk. And the floppy disk contains a complete printout of probably seven or eight pages of all the money that was expended --

MR. MESEREAU: Objection. Objection.

THE COURT: Reason.

MR. MESEREAU: No visuals.

MR. SNEDDON: All right. I'll take it down, Judge. That's --

THE COURT: That's all right. You were just waving a paper. That's --

MR. SNEDDON: It's a seven- or eight-page expense account. You're going to see it. You don't need me to tell you about it, but I can tell you that it outlines virtually every movement, every movement of this family with Frank Tyson and Vinnie Amen that was being directed from Marc Schaffel's residence in nearby Calabasas.

Because you see what happens was, this family was taken from the ranch on the 25th of February, and they were put up in the Calabasas Inn, and they were put up under the watchful eye of Amen and Tyson, and a security guard was placed in the lobby to make sure they didn't go anywhere. That security guard is the same security guard that was present when the DSS workers from L.A. arrived on the 20th at Jay Jackson's place.

Let me tell you about a few of the things 112

that happened - quickly - between the 25th and March 2nd on the preparation of this trip of the Arvizos to go to Brazil, because I think you'll find some of it quite interesting.
One of the things that was done is that Vinnie Amen goes to school, to the John Burroughs School, and checks the children out. And he pays $123 for missing books. And he puts on the checkout form that the family's moving to Arizona.
And then on another day, he goes down and gets passports for the family. He has to pay extra money to get expedited passports. And when he goes to fill out the passports, he tells the government officials, the United States government officials, the custom officials, that the family is going to Italy or France.
And then, when he later goes over to the Brazilian consulate, of course he tells them they're going to Brazil. And, in fact, the Brazilian consulate would not issue visas for them to go to Brazil without confirmed airline tickets, which were procured by MJJ Productions, through MJJ Productions' Heir Apparent, the company they always do business with.
And you'll see those records. You don't have to take my word for it.
You will find out that during this same period of time, the family's possessions, what 113

1 little possessions they had, were put in storage.
2 They were taken to Dino's Storage. They didn't
3 where know they were taken. They just know they
4 were taken. They were moved, lock, stock and
5 barrel, out of their apartment and the rent that was
6 due for two months was paid by Vinnie Amen, the
7 moneys that were advanced by Marc Schaffel out of
8 the Neverland Valley Entertainment business account
9 on the partnership between the defendant in this
10 case and Marc Schaffel.
11 You'll also learn when you see this document
12 that the family was treated to some movies. They
13 were treated to meals. That, in fact, Janet Arvizo
14 was taken to a beauty shop for whatever you lovely
15 ladies do at beauty shops. And that the boys and
16 Davallin and Janet were bought clothes, because they
17 didn't have any clothes because all their stuff had
18 been put in storage. And there was probably over
19 $2,000 in suitcases, because they didn't have any
20 suitcases, and new clothes for the trip to Brazil.
21 All during this time that they were at the Calabasas
22 Inn, with the security guard in the lobby and Vinnie
23 Amen and Frank Tyson there.
24 Well, the mission was accomplished and all
25 arrangements were made, ready to go to Brazil. And
26 by the way, they didn't want to go to Brazil.
27 You'll learn that. It was not their idea. And they
28 are taken back to the ranch. And this is March 2nd. 114

And the logs show they were brought back to the ranch. I don't think there will be any dispute to that.

Now, let me just back up a bit, because I think you're going to find it interesting what the evidence will show in this respect.

On the -- on the 28th of February, the defendant, Michael Jackson, is in the Los Angeles area, and the ranch. He actually flies on the 28th to Miami, Florida. Now, it's only 28 days, so we're now talking about March 1st. On March 1st, his family, with Security Guard Chris Carter, flew from Los Angeles to Miami, okay. We have records to prove it. We can show who went on the plane. We can show the cancelled tickets. We can show all these were booked through MJJ Productions.

The interesting part about it, however, is that Chris Carter, the security guard who flew with the family on the 1st and arrived in Miami around six o'clock in the morning on the 2nd, an hour and a half later gets on a plane with the defendant, Michael Jackson, and flies back to L.A, and they go to Neverland Ranch where the Arvizos are.

I believe that the records from the ranch logs and the testimony from individuals involved here will show that from basically March the 2nd to March the 5th, that the defendant and the Arvizos were on the ranch together. That again, from March 115

9th until March 12th, when the Arvizos left for the last time, that the Jackson -- Michael Jackson, the defendant in this case, was present.

Let me tell you how this all comes to a head. The boys are back at the ranch now. Janet Arvizo is back at the ranch. And many of the things that I told you earlier in the morning that I talked about - and I'm not going to go into repeating all those things - the things that had to do with the display of the magazines and the unusual sexual conduct and some of those other things, occurred during this period of time.

And one of the things that I think that you're going to want to ask yourself in connection with the allegations in the Indictment alleging that the alcohol was used in the commission of these offenses is, why would any adult give alcohol to a minor. But more importantly, why would any adult give alcohol to a cancer survivor with one kidney.

And I think the answer is rather apparent, based upon what I've indicated to you the testimony and evidence will show occurred on that ranch between the boys and Michael Jackson, and what the ultimate effect and impact of it was on their lives in terms of their being molested, or Gavin being molested.

One final crisis occurred on the ranch, if you could believe that. On the 9th, when 116

everybody's back at the ranch, Gavin tells the defendant, "I'm worried."
"Why."
"Because I got a doctor's appointment tomorrow. And I have to take to the doctor one of these two-quart urine specimens so they can check and see if my kidney's working okay."
I'm sure you're thinking what he was thinking. Well, if you're going to show urine and they're going to do tests, it may show that he had alcohol in his system. And both the defendant in this case and Gavin were worried that that urine specimen was going to show that this child was being provided with alcohol.
The defendant tries to talk Gavin into not going to his doctor's appointment, and Gavin says, "It won't do you any good. My mother is adamant. I will be going to that appointment." He's worried.
So he calls his mother, and he confesses to the alcohol. She's irate. Just livid. And she sends Davallin over to try to get the boys from Jackson's room.
Davallin goes to the door and she pounds on the door and pounds on the door and nobody answers. She goes back and tells the mother she can't get through or nobody's there.
The following morning, Vinnie Amen is directed to take Gavin, Janet Arvizo, and the urine 117

specimen to the Kaiser Hospital. When they make a stop on the way and they come back to the car, Vinnie Amen says that the urine specimen has been tipped over, the lid came off and it's been spilled. And there's now only a small amount of the urine left in the bottle. Of course Janet doesn't believe that because she's seen these jars and she knows how the lids go on 'em, and they don't fall off that way. If you've ever been in a hospital bed, you'll know they're the ones they put on the side with the caps. This is not something that comes off.

So she's had enough. They take the child -- and maybe for you, or some of you, it may have been enough a long time ago. But at least for her, it reached the point that, after the Kaiser visit to the hospital, she asks Vinnie Amen -- in fact, she didn't ask. She insisted that Vinnie Amen take her to the beauty parlor. Not because she wanted to get a manicure or pedicure or anything else. But it was a beauty parlor that was located very close to the place where Major Jay Jackson worked for the United States Army.

And the first thing she did was she got there, she got on the phone, and she called him and asked him to come down immediately. And he did. And she refused to go back to the ranch. And she didn't want Gavin going back to the ranch. And there were a number of calls between Frank Tyson and 118

Vinnie Amen at that time.
And I can tell you, frankly and candidly, that Gavin wanted to go back to the ranch. And it was finally decided that Gavin would go back and she would not. And it was decided between -- as you will learn through the testimony and the evidence here, that it was at this point that the plan was made and discussed to try -- on how to get those kids off the ranch permanently. And that will unplay over here in the next couple of days.
Now, the other thing that happened on the 10th after the visit, after Vinnie Amen takes Gavin back to the ranch, is before they leave, Janet Arvizo says, and reminds him, "Listen, I have a court appearance tomorrow. I have a court appearance in my divorce with my husband. I need the kids in court. Will you bring the kids to court." He says, "Sure."
The next morning on the 11th when they show up to court, he's there; there's no kids.
She's really insistent now. What happens then is, although the kids are still back in the ranch and the same things are going on, and some of the events that I described to you previously are occurring right during this particular point in time, the fact of the matter is, they're serious about what they're going to do about this now.
So what they do is, Janet Arvizo calls Frank 119

Tyson, and she says, "Listen, I'll agree to go to Brazil. I'll agree to cooperate. I'll make this an easy thing for all of you guys. But my father's sick and these children need to see their grandfather before this trip. So if you agree, let the children come over for one night to see the grandfather, I'll agree to come back to the ranch and we'll go to Brazil and this thing will be a done deal." And Tyson bit.

So what happened was on the 12th, the children were told to pack their bags and they packed their bags. And it's around noon, give or take a few minutes, or 15 minutes or 20 minutes, but it's around noon and the children are waiting to get in the car to leave.

But one last thing happens. Frank Tyson comes out and he says to Gavin, "You can't take your suitcase." And they say, "Why." He says, "You're not taking your suitcase. We'll give it to you later." The children get in the car, they're taken back to the home of the grandparents in Los Angeles. Later, when that suitcase shows up, all of his underpants are missing and his tap dancing shoes.

Now, the family at that point is back away from the ranch. And they're not going back and they don't go back. But it doesn't stop there. Because what happens over the next few days is private 120

investigators are sent down, telephone calls are made. They video-surveillance the kids coming and going from school. They had to involve the security officer from Davallin's high school because of the activities. Notes are slipped under the door, "Call Vinnie," all these kinds of conduct and behavior over the next few days. But Janet was adamant, "They're not going back to the ranch."

I think the way to conclude my remarks to you this morning are simply to talk to you about what Davallin Arvizo will tell you about her brother Gavin, and about what Davallin will tell you about Gavin's conduct after they left the ranch. She will tell you it was like having a stranger for a brother. She will tell you that a family that used to love and hug and touch and be with each other, that he wouldn't let anybody in the family touch him. He would go like that (indicating); "Don't touch me. Don't touch me." That he was explosive, that he was frustrated, and his conduct was not like the Gavin Arvizo that she knew before all of this stuff happened with the trip to Miami. She will tell you how he was silent and he was indifferent and how she wanted to have her brother back, and that it's taken a long time for her to get her brother back.

I'd like to conclude by thanking you for your patience and for your attention to what even in 121

a profession which is known to be long-winded, was a very lengthy opening statement. It's extraordinary in its length, but this is an extraordinary case. And the lives of these people will be affected forever. And the fact of the matter remains that no matter how complicated the events that I have unfolded to you here this morning and as they unfold over the next several months in this trial or how tragic it is to everybody involved in this situation, there's only one person responsible for the conduct and the consequences of what happened, and that person is sitting right here in the courtroom, and that's the defendant, Michael Joe Jackson.

THE COURT: All right. Thank you, Mr. Sneddon.

Mr. Sneddon, would you and Mr. Mesereau approach.

(To the jury) Which means you can talk to each other.

(Discussion held off the record at sidebar.)

THE COURT: That's a little more formal than me saying, "Cut it off."

All right. Mr. Mesereau, are you ready to proceed, or do you need another minute to gather --

MR. MESEREAU: Could I take one more minute, 122

Your Honor.
THE COURT: You certainly may.
MR. MESEREAU: Thank you.
I'm ready, Your Honor.
THE COURT: Go ahead.
MR. MESEREAU: Thank you very much. Good afternoon.
THE JURY: (In unison) Good afternoon.
MR. MESEREAU: I think it's afternoon. I get mixed up with this no break for lunch.
Ladies and gentlemen, as you know, my name is Tom Mesereau. And it is my honor and privilege to speak to you on behalf of Mr. Jackson. The prosecutor has outlined some very serious charges and made some very serious allegations, as you well know.
If he is to be believed, Mr. Jackson conspired to imprison a family, abduct children and extort. If he is to be believed, Mr. Jackson molested children, and gave a cancer-patient child alcohol to reduce his inhibitions and molest him.
And I'm here to tell you that these charges are fictitious, they're bogus, and they never happened.
Now, an opening statement, as I think you all know, is generally thought to be an outline or a preview of what's to come. It's often described as a blueprint of what the evidence will be like in court. 123

I want to take it a step further, and I want to let all of you know that I think an opening statement is a contract. You make promises in an opening statement, you better fulfill them. Because at the end of the trial, the jury's going to know whether you did or didn't. And I say to you right now, I am going to make some promises in this case, I am going to fulfill them, and I want you to judge me accordingly at the end. These charges are fake, silly, ridiculous --

MR. SNEDDON: Your Honor, I'm going to object as argumentative.

THE COURT: Sustained.

MR. MESEREAU: Ladies and gentlemen, I have an organized opening statement for you. I'm going to take you through various topics. Who Mr. Jackson is, what Neverland is, how he met these people, what kind of lives they have led.

But I've decided, in light of what was just said, to start off with a couple of issues that I'd like you to think about throughout the trial. Because I'm going to prove exactly what I'm going to tell you now.

First of all, the Arvizo family is from Los Angeles. We are going to bring in witnesses to tell you about their behavior. For example, Janet and Gavin called Comedian Jay Leno and tried to get money from Mr. Leno. Mr. Leno has told the Santa 124

Barbara police, "Something was wrong. They were looking for a mark. It sounded scripted. The mother was in the background, and I terminated the conversation."

Comedian George Lopez was approached by Gavin and Janet. He was asked for money. He didn't want to give money, and then they accused him of stealing $300 from Gavin's wallet.

MR. SNEDDON: Your Honor, I'm going to object to that statement. The Court has a 403 ruling.

THE COURT: Sustained.

MR. MESEREAU: An actress named Vernee Watson, who has appeared on Fresh Prince of Bel Air and the movie Antoine Fisher, met this family at a dance school. As soon as she met Janet and Gavin, they wanted to move into her house and wanted money. She refused.

A comedian named Louise Palanker was approached by Janet, told they needed money for medical bills and living expenses. She was not told that insurance was covering all the medical bills. She gave them $20,000, two $10,000 checks. She then went to the home to check out the room she thought she was contributing to, to redo for Gavin when he came home to heal. She knew of a builder who had gone to the home and redid the room. She found out the builder had been stiffed, not 125

paid, and the money had been used for a huge T.V.
and DVD player. And she was upset.
This kind of behavior, we will prove to you,
went on and on and on. Michael Tyson was
approached. Efforts were made to reach Adam
Sandler. Jim Carey. A number of celebrities.
And we will prove to you that the best-known
celebrity and the most vulnerable celebrity became
the mark: Michael Jackson.
Who is Michael Jackson. You're going to
learn a lot about him in this trial. Because
Michael Jackson, as you know, has been the subject
of so much speculation, so much false reporting, so
much embellished documentary, so many shows for so
many years, the question you're going to be asking
is, "Who is he." And you're going to learn.
You're going to learn that Michael Jackson
was born in Gary, Indiana, in a large family, a very
famous musical family. They didn't have much in
those days. Michael Jackson had to work hard from
the age of five to develop his musical talents and
his musical genius, and he did so. He went to
school, he came home, he did his homework.
And instead of having the freedom that many
young people had, he then had to rehearse, and
rehearse, and rehearse. And on weekends, there were
performances in various cities, Chicago, Detroit,
and he worked very hard. And a success that you 126

know about has come about through a combination of genius, and very, very hard work.
Michael Jackson has often said, "I missed some of my childhood. I didn't have as much freedom as other kids. I couldn't be as spontaneous, because when I wasn't in school and I wasn't doing my homework, I seemed to be rehearsing into the wee hours of the morning." And he's always taken an interest in his own childhood and how it relates to the world, his career, and his life.
The prosecutor has presented to you a picture of Neverland. He purchased Neverland in 1988. It's approximately 2,800 acres in Los Olivos.
The prosecutor presented a picture of Neverland being some haven for crime, some lure for despicable conduct. It is not.
Neverland was created by Michael Jackson for a number of reasons. If you go into Neverland, you are struck by the childlike, Disneylike, fantasylike atmosphere. You'll see statues of children. Boys and girls playing in various ways. You'll see a train. You'll see a lake. You'll see a zoo with elephants and giraffes, with tigers and all kind -- alpacas and all kind of animals. You will see a theater. You'll see rolling hills. And you'll see an invitation to play and be childlike. And as I think you already know, children come there all the time. Most of them inner city children from 127

poverty, drugs, violence, problems. They go there for recreation. It is an invitation for them. You will also see the main street named after his mother. You will go into the main house and see beautiful antiques that he has purchased and you will see pictures of his beautiful children and his family all over. Some of them painted. Some of them photographs. He created Neverland for particular reasons. He felt that his childhood had been somewhat deprived by all the work I just described. And he wanted a place where children, particularly these kinds of children from the inner city with problems, could come and have fun and be free and spontaneous, innocent, have a wonderful time.

He did it in honor of his family. As I said to you before, the main street's named after his mother, whom he loves very much. He did it because this is where he wanted to live. In this community, in this fashion. And that's why he chose Los Olivos. It could have been anywhere in the world.

Michael Jackson met the Arvizo family because he was contacted and told a young boy had cancer and wanted to meet him and needed his help. And unlike others who spelled the ruse, he didn't. He contacted the child. They talked on the phone. He sent toys and favors to the family. The mother was extremely eager to meet 128

Michael Jackson. Because we will prove to you, the mother, with her children as tools, was trying to find a celebrity to latch on to. They were trying to find a celebrity to create their life and give them advantages they didn't have. And they were looking far and wide for that celebrity. And unfortunately, for Michael Jackson, he fell for it. That's where it all begins.

Now, Michael Jackson, you will learn about in court. You will learn that the person who's not on stage is really a very shy person, a very private person, a person who in some ways shuns the limelight when he's not on stage, and a person who has chose to live his life as he wants to live it, based on his background, what he thinks he was deprived of, and his dreams.

He has written of the importance of dreams, not only as a creative process, but as the basis for living your life. And he has tried to do that at Neverland. And Neverland, we will prove to you, is not a haven for criminal activity, a lure for molestation, a magnet for crime. It is none of the things the prosecutor tried to tell you it is. We will prove that in this case.

Michael Jackson wanted to help Gavin Arvizo. He let them come to Neverland. He sang songs to Gavin. His parents were around, his brothers and sisters were around. And he tried to help Gavin in 129

ways he thought might work. The child was described to him as having very serious cancer, as having had rounds of chemotherapy, various organs removed. He was told, Michael, that is, that this child was on his last legs.

He took him around Neverland. He showed him the animals. He showed him the kind of Disneylike atmosphere that he thought and believes and knows children like. He did things that were unusual.

Michael is a voracious reader. He loves to read books and all subject matters. He has close to a million books at Neverland. And he tried to use techniques that he had read about to help cancer patients.

For example, he asked Gavin to envision he's playing Pac Man, and the cancer cells are being gobbled up by the good people. He had gotten that from studies of visualization techniques that were perfected in England years ago for cancer patients. Their theory is that if you will visualize and imagine in your mind a way to beat a disease, if you will visualize the good cells going after the bad cells - they're sometimes described as fish, the good fish eating the bad fish - if you will visualize healing, if you will visualize through imagery how you can beat a disease, the studies show it sometimes succeeds. And he taught that to Gavin. He taught him to climb trees when he was 130

well. He did the kinds of things his mother and father had asked Michael Jackson to do. He took a lot of time away from his career to help this child and help his family, never knowing that the trap was being set. And I'm going to tell you how the trap was set.

First of all, ladies and gentlemen, I am going to prove to you in this case that there is a pattern by Janet and her children of ensnaring people for money.

First of all, the prosecutor alluded to a deposition where he said she admittedly lied. He didn't tell you the details. Let me tell you some of them.

Janet Arvizo sued J.C. Penney in West Covina in Los Angeles County. She was living in Los Angeles with her family at various locations, which will become important, and I will tell you why.

She claimed that she was the victim and her children were the victim of battery, false imprisonment and infliction of emotional distress. This was in July of 1999.

Almost a year later, she amended that complaint to add sexual assault by a security officer. What did she say the security officer had done in the J.C. Penney public parking lot.

She said her breasts were fondled, her nipple was squeezed 10 to 20 times, she was punched 131

with a closed fist by a J.C. Penney security guard, she was molested in her vaginal area, and she was called racial slurs. That is the case where she was testifying under oath. That is the case where the prosecutor says she lied. She has admitted lying in that case.

Her son was ill. The lawsuit was settled. The family got a total of $152,500. That's the Arvizo family.

Janet Arvizo's ex-husband, David, says Janet coached her children in that case what to say. A witness named Mary Holzer, an employee for a law firm that represented Janet Arvizo, Gavin Arvizo, Star Arvizo, and David Arvizo in the J.C. Penney case, has come forward to testify that Janet admitted she lied.

Let me take this a step further: Miss Holzer says that Janet said her husband had a cousin in the Mexican mafia and this woman says she never came forward because she feared harm.

This is the first pattern I want to identify for you with respect to this family. Let's go to the second example of this pattern.

On December 18th, in the year 2000, in the deposition in the J.C. Penney case, Janet Arvizo said her husband David never assaulted her. She now says she was assaulted for 17 years, every year of their marriage. 132

On September 29th, 2001, Janet Arvizo told the Los Angeles Police Department she was assaulted by David Arvizo, her husband. Less than a month later, she filed for divorce. Exactly a month after she filed for divorce, she filed a welfare application that said her husband had assaulted her. And incidentally, we will prove the 152,000 I just talked about never appeared on her welfare application, and that application was under penalty of perjury.

On November 26th, 2001, Janet Arvizo told the LAPD, the Los Angeles Police Department, for the first time that David Arvizo, her soon-to-be ex-husband, molested her daughter 12 years earlier. She had never raised that allegation before. Again, she claimed false imprisonment. She said she was the victim of terrorist threats. And she claimed that her ex-husband had willfully harmed her children.

The allegations against Michael Jackson are the third claim of false imprisonment she has made. They are, by our count, approximately the fourth claim for sexual assault she has made.

On November 26th, 2001, Davallin Arvizo, parroting her mother, claims her father physically abused her brothers and threatened to kill her mother.

Ladies and gentlemen, we will call witnesses 133

who will tell you that Mrs. Arvizo in the past often says people are trying to kill her.
On November 26th, 2001, Janet Arvizo filed a copy of an arrest report on her husband with the Social Services agency in Los Angeles to expedite the aid, the public assistance she wanted. That's the public assistance that she applied for without disclosing assets, bank accounts, the J.C. Penney settlement, and other things she had, and other things she was required to disclose. And I repeat, those forms are under penalty of perjury.
In the current case, she claims that her former husband, David, struck her and the children for many, many years. As the prosecutor suggested to you, she's claiming that she's the victim of a whole lifetime of abuse. What he didn't tell you was that she also claims other relatives are in the drug business and abused she and her kids as well.
Let me tell you a little bit about the evidence that we're going to present to you about her efforts to get money from celebrities by claiming she's destitute, when she's not.
You have heard a description from the prosecutor about that little apartment in East Los Angeles, where that furniture allegedly came from, that he says Michael Jackson somehow wanted to arrange to steal through others. I guess the implication is that Michael Jackson needed her 134

1 furniture.
2 That was a studio apartment in East Los
3 Angeles where her family had lived from time to
4 time, but generally not often. That was a studio
5 apartment which had a few furnishings, was sparsely
6 decorated, looked like it really hadn't been used
7 because, for the most part, it wasn't.
8 For the most part, she lived with her
9 parents in El Monte. And when she became engaged to
10 her current husband, she moved in with him and the
11 family.
12 But when she wanted celebrities to
13 contribute money to her, after she told them her son
14 had cancer, and they were destitute, and they needed
15 money for medical bills, guess where she took them.
16 The studio apartment in East Los Angeles. She kept
17 it even when she was living in other locations.
18 Her husband worked at Von's. He was a
19 Teamster. And he had all the medical benefits the
20 Teamsters provide, including full medical coverage.
21 Gavin was treated at Kaiser Hospital on Sunset in
22 Los Angeles. There were no co-payments. There were
23 no deductibles. His medical expenses were paid in
24 full. But Janet Arvizo put into effect a program to
25 take her son and try and use him to obtain money.
26 She approached the Mid Valley News, an El
27 Monte newspaper. She said she couldn't pay her
28 son's medical bills. She told them it was $12,000 135

per chemo treatment. Those treatments were being paid by the insurance company. She asked them to help her raise money. She wanted an ad in the newspaper. They did put an ad in the newspaper. But she was kind of squirrelly about the account, because the people at the newspaper said, "If it's for your son, and we are raising money for your son, you have to have an account in your son's name." And she said Number We will prove that she went to one woman to help her set up the account. This woman's sister was an attorney and offered to help. This woman wanted Gavin's Social Security number. Janet said Number she wanted an account with her name on it, and we will prove to you eventually she found a clever mechanism for doing this. She set up an account in her name, with she being the signatory, and she said it was for Gavin's benefit, and she put money in the account and she withdrew money from the account.

The people at the newspaper will tell you that they were so moved by the story of Janet and Gavin, that they brought her a turkey on Thanksgiving day, thinking they were engaging in an act of goodwill, good fortune. They knocked on the door. Janet answered, and was upset. She didn't want a turkey; she wanted money.

On June 15th, the year 2000, Janet received 136

$10,000 from Mrs. Louise Palanker. I mentioned her. She's a comedian and an actress who used to hang out at a place called The Laugh Factory in Los Angeles. Janet Arvizo wanted her children to be actors. She made no secret about that. And she took them to acting school in Los Angeles. They performed at The Laugh Factory. The check that they -- that Mrs. Arvizo received from Louise Palanker was then deposited into Janet's mother's account, so she didn't have to disclose it to welfare authorities and didn't have a paper trail that they actually had money as she made and pursued her efforts to con people out of funds.

On June 10th, 2000, David Arvizo, her husband, received $10,000 from Mrs. Palanker again. Mrs. Palanker will testify that she was told they were destitute. They needed it for medical bills and living expenses.

On July 19th, 2000, almost a week after she hid this money, Gavin requested to meet Michael Jackson. Now, there's a bit of a dispute over exactly who contacted Michael Jackson first, because a hairdresser friend of his, Carol Lamir, has indicated that she arranged the contact through Mr. Jackson's assistant when she heard about Gavin. And she learned about Gavin because her son was at the same dancing school that Gavin was at, a dancing school at Olympic and Fairfax in Los Angeles. That 137

is the dancing school where Janet approached Actress Vernee Watson and asked for money and wanted to move in.

Michael Jackson learned about this child's illness and was very upset and very concerned. He arranged for a gift basket, toys, to be sent to the hospital.

In August of 2000, August 27th, the Arvizo family first came to Neverland. And again, that was all part of Michael Jackson's attempt to help a family, he was told, was destitute, with a seriously ill child.

By all accounts, during these early months, the Arvizo children were pretty well behaved. Nobody seems to have had a problem with them on the premises. That later changed, as I will explain to you in my opening statement.

On September 21st, 2000, the Arvizos visited Neverland. They enjoyed the rides. They stayed over. It was the whole family; the mother, the husband, and the three children. The mother stayed in a particular guest quarters at Neverland. This is the guest quarters where she later claims she was falsely imprisoned. It is a beautifully decorated room that Elizabeth Taylor and Marlon Brando always requested when they visited Neverland. It is one of the most beautiful rooms you'll ever see. She says she was falsely imprisoned there on a future date. 138

She also says that she was prevented from knowing time, couldn't see a clock anyplace. Prevented from just determining when she could leave and not leave.

You will learn in this trial that overlooking Neverland, on one of the most prominent hills with one of the most prominent views of Neverland, is a huge clock. It's lit at night. It's prominent in the daytime. You can't miss it. To the right of that huge clock is another huge clock. And throughout Neverland are clocks, many of them with a Disneylike type of style to them. Big, ornate clocks.

In the fall of 2000, just as they were visiting Neverland, they hustled Jay Leno, George Lopez, and Weatherman Fritz Coleman in Los Angeles. I've explained to you the approach to Jay Leno, who, by the way, doesn't associate with Michael Jackson at all. And he told the Santa Barbara police something was wrong. The conversation was recorded. They got on the phone. Mr. Leno says, "I'm actually easier to reach than a lot of people think, particularly if I hear somebody's in need." It was Gavin calling him, not Janet. But he said, "I could hear the mother in the background. And the way he approached me, saying, 'I love you, I watch you late at night,'" suggested to him something was wrong. And he terminated the conversation fairly

quickly. He told the police they were looking for a mark.
I already mentioned the problem with George Lopez. See, The Laugh Factory is a magnet for comedians in Los Angeles. Many have started their careers there. And accomplished comedians like Jay Leno and George Lopez once in a while like to drop by again, and they maintain their contacts in the world of comedy.
Fritz Coleman is a newscaster, a weatherman in Los Angeles, very well known. He was approached by Janet and Gavin Arvizo. Janet told him her son was seriously ill with cancer. He arranged a fund-raiser at The Laugh Factory. And we will prove to you that as you entered The Laugh Factory for the fund-raiser, there was Gavin with his hand out in the lobby, with Janet prodding him on.
Now, The Laugh Factory is owned by someone named Jamie Masada, who was mentioned in the prosecutor's opening statement. Masada claims that he's the one who contacted Michael Jackson to talk about Gavin. We believe Carol Lamir. But they both make that claim.
When questioned about where the money went, Mr. Masada first said, "Well, we delivered it to the hospital." But the hospital has no record of cash being paid, because you didn't need to pay anything. The Teamsters insurance policy paid every medical

1 expense.
2 Fritz Coleman doesn't know where the money
3 went either. It has disappeared in thin air. Where
4 do you think it went.
5 This was the time when they accused George
6 Lopez of ripping off 300 bucks from Gavin's
7 wallet --
8 MR. SNEDDON: Your Honor, I'm going to
9 object again.
10 THE COURT: Sustained.
11 MR. MESEREAU: Oh, I'm sorry. I'm not
12 supposed to --
13 MR. SNEDDON: That's twice.
14 MR. MESEREAU: In October of 2000, Janet,
15 through Gavin, approached Michael Jackson, and said,
16 "We have no means of transportation. We're poor.
17 We can't do it." And Michael gave them an SUV.
18 We will prove to you that Janet didn't want
19 her name on the registration, because she never
20 disclosed it in her welfare applications and other
21 requests for public assistance, including
22 disability. Nor did she itemize her disability
23 income on her welfare application as required.
24 When she met with the police at a later
25 date, one of her major complaints was she wanted her
26 car back. The car was severely damaged. No one
27 knows exactly how. There are varying stories about
28 it. It went back to Neverland for repairs. And one 141

1 of the first things she said to the police were
2 words to the effect, "Where's my SUV."
3 Janet Arvizo never directly went to Michael
4 Jackson and asked for money. She always used Gavin
5 and the children. They were always coming to him
6 and saying, "We need this, we need that. Can you
7 help us." And they were helped. Not as part of
8 some criminal conspiracy to abduct a family,
9 imprison a family, extort a family, molest a family,
10 intoxicate a family. Number they were done because
11 he had concern for what they had told him and he had
12 concern for Gavin's health.
13 One month after Michael Jackson gave the SUV
14 to the Arvizos, that incident with the El Monte
15 newspaper happened. I just told you about the
16 turkey. Her request to an ad. She was very angry
17 at the publisher, because the ad about her family
18 needing money didn't mention the Washington Mutual
19 bank account. She expressed her anger on numerous
20 occasions that they hadn't put the name of the
21 account to deposit money into. That's the account
22 where she had the argument about Gavin's Social
23 Security number.
24 On November 29th, 2000, the El Monte
25 newspaper reported that it was costing the Arvizos
26 $12,000 for treatment of chemotherapy. All of that
27 was being paid by the Teamsters insurance.
28 In late 2000, you had the fund-raiser at The 142

Laugh Factory. You had a number of fund-raisers at The Laugh Factory. Where the money went, nobody knows.
THE COURT: Counsel.
MR. MESEREAU: Yes, Your Honor.
THE COURT: Can we take a break.
MR. MESEREAU: Yeah.
(Recess taken.)
THE COURT: Mr. Mesereau.
MR. MESEREAU: Yes. Thank you, Your Honor.
Ladies and gentlemen, when I began my opening statement, I told you that I was going to begin by concentrating on who these people are and what they have done. And I'd like to continue that little journey for the time being.
We left off when I told you we would prove that in late 2000, there was a fund-raiser at The Laugh Factory, which is a comedy club in Los Angeles owned by Jamie Masada.
On December 22nd, the year 2000, the Arvizos successfully hustled $2,000 out of Actor Chris Tucker --
MR. SNEDDON: I'm going to object to the term "hustled." It's argumentative.
THE COURT: Sustained.
MR. MESEREAU: December 22nd, 2000, the Arvizos obtained $2,000 from actor and comedian Chris Tucker, claiming they were destitute and 143

needed the money for medical bills. I think you know who Actor Chris Tucker is. He was in Rush Hour 1 and Rush Hour 2, the movies.

On October 1st, 2001, Janet Arvizo reported her husband to the police claiming assault, terrorist threats, et cetera. She told the police in Los Angeles that Michael Jackson, Kobe Bryant and Fritz Coleman will help her in her suit against her ex-husband.

Kobe Bryant doesn't know who she is.

On the same day that she made that statement to the police and they put it in a report, the Arvizos convinced police in Los Angeles that they were destitute and had nothing.

On October 4th, 2001, Janet Arvizo brought a video and photos of celebrities she knew to show the police. The police then tried to raise money for she and her family. And they did.

On October 31st, 2001, Chris Tucker took them to Knott's Berry Farm. They had asked him for help because of Gavin and their being destitute.

On that same day, Janet Arvizo went on disability so she could receive $104 per week, didn't disclose the money she'd raised, didn't disclose the J.C. Penney settlement. And as I said before, she never disclosed the disability that she was receiving to the welfare authorities who were paying her as well. 144

That's the 31st, 2001. She starts getting $104 a week, and almost ten days later, November 9th, 2001, she buys a new car for $23,000. A week after she buys the car for $23,000, she applies for welfare and food stamps. She reports no assets. She omits her disability income. She never mentioned her Washington Mutual Bank account, her City National Bank account or the $152,000 J.C. Penney settlement, and those applications are under penalty of perjury. We'll call this the second act of perjury.

On November 20th, 2001, five days after she applied for welfare and food stamps, she filed her arrest report on her husband with L.A. welfare to help her get expedited public assistance. And in December of that year, the LAPD, the Los Angeles Police Department, had a drive to get Christmas presents for the Arvizos because they were destitute and can't pay their medical bills.

In January of 2002, Michael Jackson continued to give gifts to the Arvizos, all kinds of gifts.

Meanwhile, back at the ranch, on January 12th, Janet receives a welfare check. On January 31st, she receives a welfare check. December 8th, she gets a welfare check. March 20th, she gets a welfare check. April 6th, she gets a welfare check.

In October of 2002, she reapplies for welfare, 145

falsely claimed she has not received any assistance in the prior three years and has no assets. This is the person making these claims against Michael Jackson. On December 2nd, excuse me, of that year, the Arvizos moved into a new home on St. Andrews Place in Los Angeles with Mrs. Arvizo's fiance, who she has since married. His name is Jay Jackson. He is in the Army. He has paid her rent, she has not disclosed the rent, and she was taking her welfare checks and depositing them into his account to hide them. On December 22nd, moving along that year, she signed an income and expense statement under penalty of perjury in her divorce action, and she omitted any assistance her boyfriend/fiance was giving her from that declaration, which was under penalty of perjury. On January 3rd, moving along, her boyfriend paid her back rent at the Soto Street address, which is the studio apartment I described to you before where she brought people to show them how poor they were living. She kept it for that purpose. The family wasn't living there at all. On January 10th, 2003, she signed a welfare eligibility report under penalty of perjury. She falsely claimed she had not received cash or other benefits, and as I've just told you, we will prove 146

she most certainly had. It goes on and on.
I am going to go through the events of what happened at Neverland and elsewhere so I can prove to you in this trial there was never any molestation or any crime of any kind committed by Michael Jackson. But before I do that, I think it might be wise to tell you a little bit about the purchases she made, care of Michael Jackson, while she claimed she was falsely imprisoned at luxury hotels and Neverland.
Now, keep in mind Ms. Arvizo and her children are claiming that they were falsely imprisoned, that Mr. Jackson masterminded a conspiracy to falsely imprison the entire family at Neverland, where he lives and where he has approximately 40 or 50 employees, many of them ex-police officers, others licensed in day care and things of that sort. She says she was falsely imprisoned on a flight to Florida with Chris Tucker, not with Michael Jackson. She says she was falsely imprisoned at the Turnberry Resort in Florida, a luxury hotel where Michael Jackson was staying. She says she was falsely imprisoned at the Calabasas Inn, a very nice hotel in Calabasas, and she says that she was falsely imprisoned three times at Neverland and went back every time. She has said that under penalty of perjury.
Let's go through what she was buying and 147

what was ultimately billed to Michael Jackson during this terrible period of false imprisonment:

February 14th, 2003: Full leg wax at Bare Skin Salon for $50; a lip wax; a bikini wax. Has her face done at Aromatherapy Day Spa. The total is $140.

February 21st, Lisa's Beauty, hair products for Janet Arvizo are purchased for $28.91. The same day, she buys bras and Jockey bikinis at Robinson-May, a total of $92.24, all billed to Michael.

On February 25th at Anchor Blue, she buys clothing for $448.04 for she and her children. She also goes to Robinson's-May, buys bras, thongs and bikinis for $115.83 in care of Michael Jackson. She buys cosmetics at Lisa's Beauty for $34.29.

On February 26th, during this period of alleged false imprisonment, she buys clothing at Pacific Sunwear for $26.80. She buys socks, bras, and underwear at the Jockey store for $454.64. At Banana Republic, she buys shirts and boxers for a total of $416.18. She spends $64.32 on clothing at Gap. She spends $436.77 at the Levi's outlet, same day, during this period of alleged false imprisonment.

She spends $74.69 at Abercrombie & Fitch; $88.06 at Robinson's-May for junior clothes; $160.58 at Robinson's-May, again for bras and shorts; and 148

she goes to Foot Locker and spends $91.44 for shoes for her son Star.
The next day, February 27th, another day of alleged false imprisonment by this grand conspirator called Michael Jackson, Robinson's-May cosmetics, day-wear treatment, $129.36; cosmetics, facial soap and lotion for Janet, $30.85; slippers, $28.12.
Spends over $63, care of Michael Jackson.
She goes to Rite-Aid during this period of false imprisonment. She buys a mechanical pencil, body spray, feminine hygiene products, Chap Stick and gum for $62.09. She goes to Anchor Blue and spends $92.01.
Gavin gets a haircut the next day at Hsong's Barber Shop for $20. She gets a manicure and a pedicure for $51.
March 3rd, Anchor Blue, more clothing for Janet, $29.23. Then we go to Robinson's-May, cosmetics for Janet, $71.86.
And finally on March 10th, Lovely Nails, a manicure and pedicure for Janet Arvizo, $115.
The total of what I just read to you is $3,312.05 for Janet Arvizo while she's falsely imprisoned at luxury hotels and Neverland.
Ladies and gentlemen, I'd like to address the issue of the Bashir documentary, which the prosecutor has dramatically suggested to you led to incredibly bizarre criminal and frantic behavior by 149

Michael Jackson and others. Before I do that, however, I'd like to put this in perspective a little bit.

You heard the prosecutor tell you that when the Bashir documentary aired, there was panic, a frantic reaction. The media was everywhere. And they were. The Department of Children & Family Services in Los Angeles was investigating what happened. I will represent to you that we'll prove the District Attorney's Office in Santa Barbara was investigating what went on, and Michael Jackson knew about it.

It all starts really getting going in February, January and February 2003. You have, from all sides, the following: Media everywhere; the D.A's Office looking into what all this means; the Department of Children & Family Services looking at what all this means; the people around Michael Jackson allegedly panicked and concerned. And there was concern, but I'll tell you what it was all about.

The networks start negotiating to have a responsive show to the Bashir documentary, which ultimately happens. So they're converging on Neverland. They're converging on Michael's people and his advisors and himself to try and do something to respond to the Bashir documentary. And guess what happens, they say, in the middle of all of 150

this. That's when they say the child molestation begins.
I submit to you we will prove it never, ever happened.
Can you imagine a more absurd time for it to ever happen. Because what the prosecutor said to you about the media was true. They were everywhere. They were following the Arvizos to their home. They were trying to get interviews. And the Arvizos were asking for money from the media, just like they wanted money to do a production with Michael Jackson.
We will bring in witnesses who will tell you Janet Arvizo wanted distribution rights. She was on the phone with attorneys trying to get distribution rights. Her fiance wanted millions of dollars. He said, "A house, a son's education, none of this is enough. We want a piece of this action."
And when they weren't going to get it, the molestation allegations started to form, just like the pattern I outlined to you before at J.C. Penney and with the ex-husband David. They don't start right away. They end up developing over a period of time, just when they think they're not going to live at Neverland forever, Michael's not going to be a father as she always referred to him everywhere, just as they realized they're probably not going to get rich off a production involving Michael Jackson, 151

just as they realized documents were not going to be executed because Gavin had been in the Bashir documentary that would give them some piece of the net or gross profits.
Just as they realize all of this free ride, this party was ending, did they go to the police with the molestation allegation.
Number they went to a lawyer. And then they went to another lawyer, never to the police, until they had worked out all their legal rights and opportunities. And I will get into that a little more deeply in my opening statement.
And by the way, we will prove to you that down the line, when Janet Arvizo realized it didn't look too good, if there really was a molestation that went on, that you would go to a lawyer and not the police, guess what she started to say. "I learned it from the police."
This was after her lawyer went to the police to report the alleged molestation. We will prove this to you.
Let me tell you how the Bashir documentary happened. It didn't happen exactly as the prosecutor told you.
A journalist, British journalist, named Bashir, Martin Bashir, wanted to do a documentary on Michael Jackson. He wanted it to be scandalous, and he wanted to get rich. And that's what he did. But 152

he knew that getting close to Michael Jackson may not be easy.
After all, so many people around the world want to get near him. They want opportunities they believe he carries with him. This has been an ongoing issue with Michael Jackson his whole life.
Because he's a musical genius, because he's so well known, because he's perceived as being so successful, people are always buzzing around him trying to get a hook into his business, trying to just grab something that will give them fame and fortune. It's an ongoing reality. It's an ongoing problem.
And as Michael Jackson has said many times, "I am very lonely because of it." He has written that in his autobiography and he has said it; "Everybody wants a piece of me."
Martin Bashir was no exception, just like the Arvizos were no exception.
So Martin Bashir decided the best way to get to Michael Jackson is a form of flattery. "I will misrepresent to him my true intentions, and I will find that little point of vulnerability that will get him to me so I can work with him and get this project that's going to make me wealthy."
Bashir had interviewed Princess Diana of England sometime previously. He knew Michael Jackson was a great fan and friend of Princess 153

Diana. To any of you who know anything about Princess Diana, you can understand why. She had the opportunity to simply live in wealth, pomposity, a rigidity in the social structure in England, and she didn't want it, she wasn't happy with it, and she branched out on her own and offended people. And she went to Africa and she worked with children with AIDS, and she made a crusade out of trying to stop land mines around the world which explode and hurt children, mines for civil war. And she decided she was going to live her life the way she chose. She and Mr. Jackson had a friendship and a camaraderie, because he saw that he had pursued a similar life.

Bashir concluded that, "I'll get to him through his love and affection for Princess Diana." Bashir knew that a psychic in England named Uri Geller, who's been on T.V. doing things, he thought Uri Geller could get to Michael Jackson. And it turns out he could.

He called up Uri Geller and he was gushing with flattery. He said he admired what Michael had done for children around the world. He specifically referred to Michael's visits to sick children in hospitals around the world. He said, "I so admire this. We need to promote it better. We need to do a documentary that will show the world what kind of a person Michael is, and we will focus on children." 154

1 And he had some specific ideas. He told Uri
2 Geller that Michael Jackson has always wanted an
3 International Children's Day, much like Mother's Day
4 or Father's Day. And he told Uri Geller that he
5 wanted to bring Michael Jackson to meet Kofi Annan,
6 the Secretary General of the United Nations, and he
7 was hoping by doing so, that Michael would visit
8 Africa and help children with AIDS.
9 He told Uri Geller, "I can accomplish that,"
10 and Geller was very interested.
11 Geller arranged a meeting between Michael
12 Jackson and Martin Bashir in London. And Bashir
13 gave the same routine that I just described: "You
14 are misunderstood. What you've done is so
15 phenomenal. The world needs to know. I'm the one
16 best positioned to do this project so the world
17 really will understand who you are and what you've
18 accomplished."
19 And he showed him a letter, somewhat
20 crumbled up letter, from Princess Diana commending
21 him for the way he had conducted her interview.
22 Everything was sugar and spice and
23 everything nice. Unfortunately, it was false. It
24 was deception par excellance.
25 The meeting was arranged. Michael met with
26 Mr. Bashir. He agreed to do the documentary because
27 he believed what I just told you.
28 Michael had some conditions. He didn't want 155

his children's faces to appear on the documentary.
Michael loves his children. They're beautiful little kids. They live with him at Neverland, and they were living there throughout these alleged events, these so-called crimes that didn't happen.
But nevertheless, Bashir wanted to follow him around, and he did follow him to various cities, Berlin, et cetera.
Michael was terrified that his children's faces would be on that documentary. He is perpetually terrified that something will happen to his children. They'll be kidnapped; there will be extortion; there will be a ransom request; they'll be injured, or worse. Bashir agreed. "Their faces will never appear. They will not be recognizable on that documentary." And that was false.
Michael asked him if he could see the footage before it was broadcast, because Michael has been in this business his whole life. He has seen what the media can do to anybody. They can take footage and remove it. They can take footage and connect it. They can take words and replace them. They can do whatever they want and make you look terrible if they want, and it had been done to him often throughout his career. He didn't want that to happen in this documentary.
Martin Bashir assured him he would have full editorial control, and that was a falsehood. 156

Michael wanted any money he received to go to charity. Bashir assured him it would. Uri Geller also wanted money to go to charity, but he also wanted a personal service fee. He wanted a percentage of the net proceeds, and he worked that out with Bashir, not with Michael.

Let me give you a flavor for what Bashir said to Michael Jackson to induce him to do this project:

On July 23rd, 2002, he sent a letter to Michael's assistant. He had a plan of action for filming at Neverland. He said on July 29th, they wanted to feature Michael with a large group of children, around 50, welcoming them and sharing with them his extraordinary home so that, for one day, their lives can be enriched seeing Michael with the children on the rides and then taking them into his movie theater to watch a film.

The next day, Tuesday, July 30th, "I was hoping that Mac Culkin will be available to visit." He is an extremely close friend of Michael's and has provided support throughout the years. That's Macauley Culkin, the actor.

Wednesday, July 31st, this would be a day spent working with Michael, the musical genius, listening to the song he has written for the international children's holiday, and also viewing some tapes from his extraordinary career, reflecting

upon 30 years of success.
Thursday, August 1st, a walk around
Neverland, the zoo and all the other attractions
that have been built both for Michael and the
benefit of others. The beautiful landscape
encouraging all of us to become "as little children
again," quote, unquote.
Friday, August 2nd, late-night drive through
L.A, how Michael still connects with the inner city,
and how he has drawn inspiration for his dance
scenes from the ghetto kids.
"I shall give you a call tomorrow to check
through this, but hope that it will be possible.
Obviously, the trip to Africa, plus the U.N. visit
are in the early stages of planning, but I shall
certainly give you full details as soon as matters
are confirmed."
You will learn, ladies and gentlemen, what
Bashir said to Michael face to face, as he did this
project, a project designed to humiliate, degrade
and deceive, he said to him at one point with
respect to Michael and children, "I saw yesterday,
just to explain, a very special interaction between
you, and it was a privilege to see it. I've got
three children, and to be honest, it was a bit of an
education to watch," referring to Michael and
children.
He said to Michael, "You know, nobody ever 158

1 asks you these questions about how you approach
2 children, how you love children, what you do for
3 children, and how you raise your own." He said,
4 "Nobody ever asks Michael any of these questions.
5 They all ask these ignorant things," and he called
6 those people "scum."
7 He told Michael, "Neverland is an
8 extraordinary, a breath-taking, a stupendous, an
9 exhilarating, an amazing place. I can't put
10 together words to describe Neverland," flattering
11 Michael, trying to lead him to his destruction.
12 He said, "One of the things that puzzles me,
13 that I find difficult to understand, is why an
14 artist like yourself, who has brought such beautiful
15 music to the world, who has written the melody of
16 most of our lives, my life - my romantic development
17 was partially shaped by your records - why I find it
18 so difficult to understand is why is it that, having
19 brought this to the world, people are quick to
20 criticize."
21 He said being with Michael and children was
22 like a beautiful journey. He said to Michael
23 Jackson, "One of the things I noticed about you over
24 the last year is your relationship with your
25 children. Your relationship with your -- and I have
26 to say to you that I didn't know you before, but
27 your relationship with your children is spectacular.
28 It almost makes me weep when I see you with them, 159

because your interaction is so natural, loving, so caring, and everyone who comes in contact with you knows that."

As the prosecutor has told you, he will show you that documentary. Keep in mind, if you will, what I just told you when you see it.

Ladies and gentlemen, Mr. Bashir traveled with Michael through Europe and the United States, spent time at Neverland. Took about eight months to put it together. And on that documentary, Michael Jackson makes very clear, "I don't do anything sexual with children. I don't commit crimes."

Gavin Arvizo is on that documentary.

But ladies and gentlemen, Janet wanted her children in films. She always said that. We have witnesses who will confirm that, and the children all went to acting schools. They wanted to be actors. In fact, while they were visiting Neverland, Michael tried to assist them. He let Star do his own video, called it "The Neverland Channel." They were trying to get him to help them break in. And he did help them.

She knew exactly what was happening when her children went to Neverland and when Gavin was in that documentary. But she had one problem: She wanted money, and she didn't see it coming.

We will prove to you, throughout this trial, that her reaction to this film was primarily, "How 160

do I profit. How do I get distribution rights.
What documents should I sign. How do I negotiate
the documents." In fact, one witness will tell you
that before the family filmed what has been called
the rebuttal show that the prosecutor talked to you
about, she not only appeared happy as can be about
filming it, but she delayed it because she was on
the phone with a lawyer trying to figure out what
her rights were. And when presented with what is
called a model document to deal with distribution
rights, she complained, didn't want to sign it,
wanted to get advice.
Her main complaint was she didn't profit
from the Bashir documentary that became world
famous. She did have media following her around.
There is no question about that. They did follow
her to her house. They followed her everywhere.
There also is no question that we will prove
she wanted security with her because she said the
media were hounding them so badly. And this stuff
about security from Michael Jackson somehow being
there to imprison her we will prove is false. She
wanted security. She didn't want the media just
hounding them, but she did want money from the
media. That we will prove also.
Her fiance, now her husband, has testified
that they didn't want money, but we have a witness
who will tell you that he approached them at their 161

home, and Jay Jackson wanted $15,000 for a photo and article. We will also prove to you that he made the statement, "Michael Jackson can give us a house. Michael Jackson can pay for college. Michael Jackson can pay for benefits. That's not enough. We want big money."

Davallin told a friend of Michael Jackson, "We're getting a home in the Hollywood Hills."

The statements designed to get something of a financial benefit are endless, and we will prove them in this trial.

July of 2000 was the first contact between Gavin Arvizo and Michael Jackson, as I said before. And in August, the Arvizos visited Neverland for the first time. They then came with their father David, they stayed a number of nights, and in October Michael gave them an SUV.

In June -- in the year 2000 -- excuse me, the year 2001, there was very little contact.

Now, I've told you about some of the financial stuff that was going on during the year 2001, but Michael Jackson didn't really see these people in the year 2001. They surfaced again in 2002, but I have already explained to you all the efforts to latch on to other celebrities that they tried, and it didn't completely work.

Michael Jackson, as I said before, did everything he could to help this family overcome 162

cancer, and they repeatedly commended him for doing so. They repeatedly make public statements that Michael had helped save Gavin's life; that the friendship, the warmth, the encouragement, what went on at Neverland helped save him from cancer. I will read from transcripts to you words to that effect. The accolades were endless until they realized he wasn't going to support them forever, and that's when everything changed and this nightmare of false allegations started.

Bashir arrived at Neverland and he did film Michael Jackson and he filmed Gavin, and he took statements from both. Nobody expected any of this to be secret or quiet. Everyone knew it was for worldwide distribution. What Michael said on that documentary he expected to be publicized throughout the world. It wasn't meant to be a private thing. It was meant to be a public thing, and that needs to be understood as you watch it and hear his words. And I repeat, he repeatedly says, "Nothing sexual happens with me and children, ever."

He does display some idealism on the film. He talks about children coming to school with guns and why they need love, why they need caring, that there's got to be a way to change this. He talks about children who need attention and affection, and something must be wrong with all the violence in the world. Yes, that's Michael Jackson's idealism, some

might say, to some extent, naivete. Certainly naivete when it comes to making yourself vulnerable to false claims.

At this point, I would like to go through some of what was said in Bashir. Much of what was said did not appear on Bashir. Fortunately, Mr. Jackson had his own videographer filming while Bashir filmed, and as you can imagine, and this is not unusual with eight months of work, it had to be condensed down into a show. Much of what Michael said about his view of the world, his view of the need for peace and love, his desire to see more creativity in the world and his great belief in children as a cause was left out, and in its place what you will see is commentary by Bashir designed to create a scandal, and he did.

In September of 2002, ladies and gentlemen, the Arvizo family made numerous visits to Neverland, one of them with Actor Chris Tucker. As Gavin says on the Bashir documentary, on one occasion he slept on Michael's bed and Michael slept on the floor. Nowhere in that documentary does he say, "I had sex with Michael Jackson." In fact, months afterward, he was saying in various recorded statements, "He saved my family. He saved me from cancer. He's never done anything wrong."

Now Janet's spin was, "That was because we 164

were falsely imprisoned."
I'm going to go through those statements
also.
Incidentally, the prosecutor talked about a
videotaped interview with the family, and he used
the word "scripted." He used the word "scripted" to
suggest that everything you're going to see -
because if they don't play it, we will - was somehow
memorized, forced, false and fabricated.
Not only is that not true, I invite you to
watch it. Watch their facial expressions. Watch
their demeanor. Watch the spontaneous answers.
Watch how long those answers go on for, and watch
the point where Janet doesn't think she's on tape.
And when you see that stuff, you ask yourself, "Is
this all memorized, or is something wrong here."
Yes, it was a show designed to show the good
side of Michael Jackson, to commend him, as Bashir
told him he was going to be commended. And, yes, it
was designed to show what he had done for Gavin.
And, yes, before it, there was a sheet of questions,
and everybody pretty much knew, kind of, what was
going to be asked. But the responses, just watch
them.
Davallin cries as she praises Michael
Jackson of what he did for her brother. Janet goes
on and on, calling him a surrogate father, the
father to her children, says they had no father, and 165

then goes into a long tirade of what victims they have been throughout their lifetime, that you really need to see. She says, "We were spat on because of our race. Nobody would help us. We ate cereal together. Department of Children & Family Services in Los Angeles did nothing for us." And you'll see the anger and you'll see the "I'm a victim" type of mentality throughout. She says, "We were destitute, had nowhere to turn, and Michael Jackson rescued us."

Look at the film, and see if it's memorized. And look at the part where she doesn't know she's on film. The reality is, ladies and gentlemen, she did her own makeup. She had a little curl over the top of her head so she'd look like Michael's well-known sister, Janet Jackson. She wanted to be on film. Christian Robinson will tell you that she was happy as a lark before it, was eager to do it, was on the phone with someone he thought was a lawyer talking about how much money she could make from it. The notion that this family was falsely imprisoned with some gun to their head and forced to make all those statements is absolutely false.

Gavin Arvizo, as you know, appeared in the Bashir film. It aired in the United Kingdom, England, in February, on February 3rd, 2003. The next day, the media were in a frenzy. As I said before, they began to track down the Arvizo family 166

to follow them around. They were actually camped in front of their home.
That was the day Jay Jackson, her boyfriend, demanded $15,000 for a tabloid interview. He has since denied under oath that he did that. We will prove that he did.
Two days later, on February 6th, 2003, the Bashir program aired in the United States, and Prosecutor Sneddon began an investigation. And Mr. Jackson knew that. Of course, the allegations now are a few weeks after the media frenzy, and the D.A. investigation, and the DCFS investigation, and Michael suddenly starts molesting Gavin.
By the way, we're going to prove something else. Initially when the prosecutors charged Mr. Jackson, they said the molestation began in early February. Later on, they learned that during a DCFS interview, Department of Children & Family Services, the family had all said Mr. Jackson did nothing but help them. Never hurt them. Never did anything wrong.
They later learned that on that video which the prosecutor referred to where he says they had essentially a gun to their head, or words to that effect, and they also praised Mike Jackson and said nothing bad was done, ever, and guess what. That Complaint went by the wayside. An Indictment was returned that changed the dates of the alleged 167

molestation to begin after those statements. And that's a fact.
And incidentally, we will prove to you that after learning how important those statements could be, where you're recorded twice, actually more than twice, you're recorded over three times saying Michael never did a thing wrong, never molested, never touched, never did anything like that, Gavin changed his story as well. Suddenly it all started later on after the statements made to the Department of Children & Family Services.
How are we doing timewise, Your Honor.
THE COURT: Five more minutes.
MR. MESEREAU: Okay.
It's important, ladies and gentlemen, that I talk about these dates, because the progression of what develops and who gets involved, and the amount of activity going on everywhere is critical to understanding how utterly absurd these dates of child molestation are. And I ask you to consider that as you look at the evidence in this case.
As I said before, the Bashir program aired in the United States on February 6th, 2003. The same day Prosecutor Sneddon announced he was going to investigate, because people were talking about the way Bashir handled this issue of boys allegedly being in the bed. As I said before, Michael said he slept on the floor one time. It wasn't at all the 168

1 way Bashir was trying to make it look.
2 The next -- two days later, February 8th,
3 2003, Ed Bradley of the T.V. show 60 Minutes arrived
4 with a film crew to Neverland. Also present were
5 Jack Sussman, the president of CBS Entertainment,
6 and attorneys David LeGrand and Mark Geragos.
7 Various networks were trying to compete for the
8 right to do the rebuttal show, the show that was
9 supposed to be a response to Bashir's scandal show.
10 And there was a lot of activity going on at
11 Neverland and among people associated with Mr.
12 Jackson because, yes, there was great dislike for
13 what Bashir had done and the way he tried to hurt
14 Michael's reputation. But there also were, to a lot
15 of people around Michael, a great business
16 opportunity, because they saw the opportunity to
17 make millions of dollars in a production that never
18 could have happened if Bashir hadn't aired. It was
19 called by everybody a rebuttal piece.
20 So, yes, there was concern, and, yes, there
21 was elation by certain people around Michael because
22 they thought they could make money. And networks
23 were approaching Michael and people around him to
24 try and benefit from that opportunity. And ladies
25 and gentlemen, millions were made by certain people
26 on the rebuttal film.
27 On February 16th, 2003, Janet Arvizo and her
28 family were taped by Investigator Brad Miller 169

saying, "Michael's wonderful. He never did anything improper." Now, that's supposed to be part of this, I guess, false imprisonment thing, that apparently they're being forced to do that.
They're living at Jay Jackson's apartment.
Jay Jackson is in the United States Army. Excuse me.
Nobody calls the police, calls the United States Army, complains that, "We're falsely imprisoned. They've got -- they're forcing us to make statements. They're forcing us to testify. They're forcing us to say certain things complimentary to Michael Jackson."
Nobody does because there was no reason to.
And the security people were requested by Janet because of all the media frenzy.
This may be a good place to end, Your Honor.
Thank you.
THE COURT: All right. We'll take our afternoon recess. We'll reconvene tomorrow morning at the same time.
Remember my admonitions. Don't discuss the case. Don't form any opinions or conclusions.
See you tomorrow morning.
(The proceedings adjourned at 2:30 p.m.)
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REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) Number 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify: That the foregoing pages 3 through 170 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on February 28, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California, February 28, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
OFFICIAL COURT REPORTER